

FARGO CITY COMMISSION AGENDA
Monday, April 19, 2021 – 5:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:00 p.m. and retire into Executive Session in the Red River Room to discuss strategy and to provide negotiating instructions to its negotiator, the Mayor, regarding the Airport Authority's proposed amendment to the January 14, 2020 MOU between the City and the Airport Authority, and regarding the recent proposal for transition submitted by the Airport Authority and terms for amendment of the MOU. The City Commission's discussion of such matters, if held in public, would have an adverse fiscal effect on the City's negotiating position with the Airport Authority. This Executive Session is authorized pursuant to N.D.C.C. §44-04-19.1(9). The City Commission will also discuss, in a closed portion of the meeting, the City's public health and security plans, which plans themselves are exempt records (N.D.C.C. §44-04-25) and the portion of the meeting that would disclose such plans is also exempt from meeting requirements as otherwise required by N.D.C.C. §44-04-19 and Article XI, § 5 of the North Dakota Constitution, all as provided in N.D.C.C. §44-04-26.

Regular Meeting at 5:00 P.M.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, April 5, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of an Ordinance Relating to Classification of Ordinance Violations; 1st reading on 4/5/21.
- 2. Authorize the City Attorney to work with staff and others to draft an Anti-Bias/Hate Crime Ordinance.
- 3. Mutual Assignment and Termination Agreement with eSmart Systems US, Inc., Innowatts, Inc. and The Alliance Risk Group, LLC, and Master Services Agreement with Innowatts, Inc.
- 4. Agreement with Walker Consultants to develop a Facility Condition Appraisal and development of a 10-year budget for City parking facilities.
- 5. Site Authorizations for Games of Chance:
 - a. VFW Post 762 at VFW Club.

- b. Fraser Ltd. at Golf Addiction.
6. Applications for Games of Chance:
 - a. El Zagal Provost Unit for a sports pool from 9/10/21 to 1/3/22.
 - b. Wienckowski Wolfpack Fundraiser Benefit for a raffle and raffle board on 5/20/21; Public Spirited Resolution.
 - c. Davies Young Guns for a raffle on 5/22/21.
 - d. New Life Center for a raffle on 9/28/21.
 - e. FM Walleyes Unlimited, Inc. for a raffle on 10/21/21.
7. Memorandum of Offer to Landowners for Permanent and Temporary Easements for the following Projects:
 - a. Jason and Onnolee Nordstrom (No. FM-19-E).
 - b. Park District of the City of Fargo (Project No. FM-19-F).
 - c. Dmitri S. Kilin and Svetlana V. Kilina (No. FM-19-E).
 - d. Bryan L. and Janice A. Randerson (Project No. FM-19-A).
8. Permanent Easement (Electric Switch and Associated Equipment) with Xcel Energy.
9. Installation of a 12-inch Xcel Energy gas main.
10. Bid awards for Project Nos. SL-21-A1, TM-21-A1 and TR-21-A1.
11. Request from the FARGODOME to apply for the State Homeland Security Grant Program and the Shuttered Venue Operators Grant.
12. Receive and file General Fund-Budget to Actual through March 2021 (unaudited).
13. Grant Award and Acceptance of the Coronavirus Emergency Supplemental Funding (CESF) Program for \$11,761.00 and to designate the YWCA Cass Clay as the pass through grant recipient (CFDA #16.034).
14. Set May 3, 2021 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 1648 8th Avenue South.
15. Change Order No. 1 for an increase of \$10,258.00 for the temporary overflow shelter at 1015 30th Avenue South, Moorhead.
16. Lions Club project concept, acceptance and installation of the Spirit of the Sandbagger artwork, subject to the execution of the necessary agreements.
17. Bid award for the 2021 contractor re-mulching of medians and planting beds (RFP21074).
18. Bid award for Professional Auction Services (RFP21049).
19. Wireless Equipment Lease termination with AT&T at Water Tower No. 1 (1102 7th Avenue North).
20. Contracts and bonds for Project Nos. SR-21-A1 and WA1910.
21. Bills.
22. Negative Final Balancing Change Order No. 5 in the amount of -\$36,425.93 for Improvement District No. BR-20-C1.

24. Create Improvement District Nos. AN-20-C and BN-21-J.
25. Bid awards for Improvement District Nos. BN-20-A1 and FM-19-A1.
26. Contracts and bonds for Improvement District Nos. BR-21-E1 and PR-21-C1.

REGULAR AGENDA:

27. a. **RESIDENT COMMENTS** (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).
- b. City Commission discussion regarding Resident Comments.
28. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Hearing on a dangerous building located at 1343 2nd Avenue South.
 - b. Reeves Addition/Milwaukee Addition/Section 1, Township 139 North, Range 49 West (1612, 1620, 1624, 1630, 1632, 1666 and 1702 1st Avenue North); zoning approved by the Planning Commission on 3/3/21:
 1. Zoning Change from LI, Limited Industrial, GC, General Commercial and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
 3. Planned Unit Development Master Plan.
 - c. CONTINUE to 5/3/21 - Covey Ranch First Addition (6688 45th Street South); approval recommended by the Planning Commission on 1/5/21:
 1. Zoning Change from AG, Agricultural to P/I, Public and Institutional.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Covey Ranch First Addition.
 - d. Madelyn's Meadows Fourth Addition (7269 25th Street South); approval recommended by the Planning Commission on 10/6/20:
 1. Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, P/I, Public and Institutional, and MR-1, Multi-Dwelling Residential.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Madelyn's Meadows Fourth Addition.
 - e. Asleson Farms Fourth Addition (3523 and 3575 41st Street South); approval recommended by the Planning Commission on 2/2/21:
 1. Zoning Change from MR-2, Multi-Dwelling Residential, to LC, Limited Commercial.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Asleson Farms Fourth Addition.
 - f. Renaissance Zone Project for HighRoad Properties LLC for a rehab project at 209 and 211 Northern Pacific Avenue North.

COVID-19 Update:

- a. Fargo Cass Public Health Update.
 - b. Discussion regarding the Emergency Declaration.
 1. Discussion on the Take-out Moratorium and other Policies that may be effected by the termination of the State of Emergency, i.e. COVID Procurement.
30. Resolution Directing the Issuance of \$[PAR] Refunding Improvement Bonds, Series 2021A and Prescribing the Terms and Covenants Therefor.
31. Recommendation for Fiscal Year 2022 Federal Funding Opportunities for City-related projects.
32. Construction Update.
33. Applications for property tax exemptions for improvements made to buildings:
- a. Mark and Nancy Wolfe, 3113 26th Avenue South (3 year).
 - b. Debra Emo, 1620 34 1/2 Avenue South (3 year).
 - c. Jean Anderson, 420 6th Avenue South, Unit 207 (5 year).
 - d. Darin Lang and Katrina Turman, 2543 East Country Club Drive South (5 year).
 - e. Tim Flakoll, 1350 2nd Street North (5 year).
 - f. Brandyn and Kimberly Sauer, 1313 17th Street South (5 year).
 - g. Mark and Kathleen Causapin, 615 10th Avenue South (5 year).
 - h. John and Andrea Larson, 614 19th Avenue South (5 year).
34. Commissioner Gehrig would like to remove all permitting laws from the City of Fargo codes regarding public gatherings.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.

28a

Memorandum

DATE: April 15, 2021
TO: Mayor Mahoney and Board of City Commissioners
FROM: Bruce Taralson, Inspections Director *BT*
SUBJECT: Dangerous Building Notice and Order 1343 2 AVE S., Fargo, ND 58103

The property owner of 1343 2 Ave S., Fargo, ND, has failed to comply with my order to obtain a permit to repair or demolish the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, a hearing date is scheduled for April 19, 2021.

The recommendation is to **designate this building to be a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal on June 21, 2021. Please direct the appropriate staff to secure the removal of this building at that time. If the Owner or Interested Party takes responsibility and obtains a permit to repair this property prior to June 21, 2021, this property will be required to comply with the current Land Development Code (LDC) requirements of use per Section LDC 20-1002.C.**



DANGEROUS BUILDING ORDER TO COMMISSION- Detail and Timeline Regarding 1343 2 Avenue S., Fargo, ND.

A Dangerous Building hearing is required under Article 21-0405 for the purpose of allowing any interested parties the opportunity to comment, and to allow the Owner of the property the opportunity to appear and show cause why the City of Fargo should not cause the removal of this building. The hearing is scheduled for Monday, April 19, 2021 at 5:15PM. The Owner of this property is deceased.

The Inspections Department has taken this action due to a complaint from Xcel Energy of *eminent danger*. Xcel Energy removed the electrical meter and noted that power was still being used. Xcel Energy found that the meter had been tampered with and services were disconnected at the pole. Following this action, an extension cord was observed running *from* the neighboring property *to* 1343 2 AVE S., Fargo, which prompted the complaint to the Inspections Department.

This building meets 5 of the 10 criteria which only one might be required. Our report on ordinance requirements-

1. Inspections Department received complaint on property.
2. Inspections Department inspected the property.
3. Inspections placed notice on the building.
4. Inspections provided notice to Owner giving 30 days.
5. Inspections report to City Commission today.

In your packets, you will find the Dangerous Building Notice. Article 21-0404 requires the Inspections Department give notice to the Owner of the property prior to any action by the City Commission or staff. Our timeline shows the building was placarded on February 12, 2021, and the Dangerous Building order was posted on February 16, 2021. This notice provided a 30-day deadline to obtain a permit to repair, or demolish the structure.

Included in this packet is a timeline of events, photographs and necessary documents.

PROPERTY INFORMATION- Building is currently vacant and is uninhabitable due to electrical issues, and the building has been occupied by squatters for the past 12 months. The building was constructed in 1885.

Description: Two-story, wood-framed structure.

Description of damage:

On February 12, 2021, Inspector, Bill Thompson, was present at 1343 2 Ave S., Fargo, ND to address a complaint inspection. The following violations were found:

- Multiple broken windows.
- Electricity was turned off.
- Multiple extension cords were connected to East neighbor.
- Electrical panel and meter were tampered with.
- Owner is deceased. Multiple squatters on site.
- Contractor boarded openings on February 12, 2021.
- Multiple complaint calls to police department.
- Debris in rear yard.

Timeline for events:

2/4/2016 to 4/11/2021: Record enclosed of 40 complaint calls to the Police Department.

2/12/2021: Inspections received complaint of power being supplied by extension cord from neighboring house.

2/12/2021: Building was placarded as a Dangerous Building. All openings except the front door were secured by a contractor. Tenants were notified that they were not allowed to stay in building due to safety issues, but were given four days to acquire their possessions.

2/16/2021: Structure was secured by contractor. Dangerous Building Notice was posted on structure and mailed to Owner – registered mail.

3/3/2021: Inspections received notice from Police that they responded to a complaint of squatters. The plywood on the North window was unlawfully removed. The Police Department cleared the building, and a contractor re-secured the structure.

3/8/2021: Inspector re-inspected - noted that plywood covering had been tampered with.

4/2/2021: Past tenant requested and was approved for additional time to enter building to obtain personal property. Contractor was present to unsecure and re-secure building. Police department assisted - building inspector was on site.

4/5/2021: Inspections requested Dangerous Building Order to Show Cause Hearing to be scheduled for 4/16/2021.

4/6/2021: Notice of Dangerous Building Hearing was posted on the building and mailed to the Owner – registered mail.

4/11/2021: Last known police call at this property regarding a burglary.

4/13/2021: Approximate date of 4/11/2021, the property was re-secured with metal covers.

4/14/2021: As per City of Fargo Water Department, the water is shut off - no consumption since February of 2021.

4/14/2021: As per Xcel Energy, the electric meter has been pulled, but the gas service is still active.

4/19/2021: Dangerous Building Hearing.

5/4/2021: Anticipated issuance of *Findings of Fact* document.

5/18/2021: Deadline to appeal to District Court

6/21/2021: Deadline for City of Fargo to proceed with action on City Commission's recommendation to demolish.

Please note, this timeline does not include a total calculation of overall staff time spent on this property.

Upon your finding for the Owner to comply with this demolition order, you are required by Article 21-0405 C, D & E, to notify Owner of your determination, and that if an Owner fails to comply with that order for demolition within 10 days, The City Commission can order city staff to take action on demolition and assess costs back to the property.

I suggest you agree with my notice and find this to be a Dangerous Building, and direct the City Attorney to prepare findings of fact in this matter. I also ask that you direct staff to proceed with all necessary measures to secure the removal of this building should the Owner fail to do so. Article 21-0412 allows for the Owner to appeal to the City Commission's action to District Court, which requires a \$500 deposit with the City Auditor.

Respectfully submitted,

Dated this 15th day of April, 2021.

A handwritten signature in black ink, appearing to read "Bruce Taralson", with a long horizontal flourish extending to the right.

Bruce Taralson
Inspections Administrator

Fargo Inspections
City of Fargo
225 Fourth Street North
Fargo, North Dakota 58102
Phone: 701-241-1561
Fax: 701-476-6779



Notice of Dangerous Building Hearing – Order to Show Cause

Date: April 6, 2021

Location: 1343 2 Avenue S., Fargo, ND

Property Owner: Jeremy Kelley

Address of Property Owner: 408 8 Avenue S., Fargo, ND 58103

Inspector: Bill Thompson

Date of Posting: April 6, 2021

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:

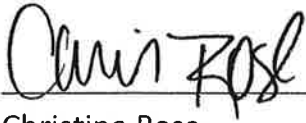
A. Upon receipt of a report of the building inspector as provided for in § 21-0404, subsection (F), give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector(s) notice provided for herein in § 21-0404, subsection (E).

B. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer relative to the "dangerous building."

A hearing regarding the dangerous building located at 1343 2 Avenue S., Fargo, ND has been scheduled for Monday, April 19, 2021 at 5:15PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this 6th day of April, 2021.

A handwritten signature in black ink, appearing to read "Christine Rose", written over a horizontal line.

Christine Rose

Inspections Assistant Director

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Notice of Dangerous Building Hearing - 1343 2 Avenue S., Fargo, ND

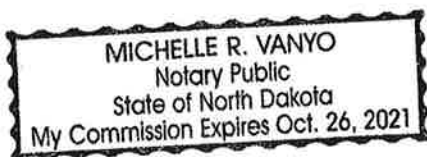
Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 6th day of April 2021, he posted the attached notice upon the following address:

1343 2 Avenue S.
Fargo, ND 58103



Bill Thompson

Subscribed and sworn to before me this 6th day of April, 2021.



(SEAL)



Notary Public
Cass County, North Dakota

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Dangerous Building Hearing Notice – 1343 2 Avenue S., Fargo, ND
CM Receipt#: (7018 3090 0000 3038 6107)

Nancy Turner, being first duly sworn and being of legal age, deposes and says that on the 6th day of April, 2021, she served the attached notice, upon Jeremy Kelly., by placing true and correct copies thereof in an envelope addressed as follows:

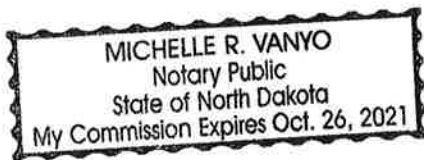
Jeremy Kelly
408 8 Avenue S.
Fargo, ND 58103

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.




Nancy Turner

Subscribed and sworn to before me this 6th day of April, 2021.



(SEAL)



Notary Public
Cass County, North Dakota



INSPECTIONS DEPT.
225 4th Street North
Fargo, ND 58102-4817

Return Service Requested

for

CERTIFIED MAIL



7016 3090 0000 3038 6107

Jeremy Kelley
408 8 Ave. S.
Fargo, ND 58102

neopost
04/06/2021
US POSTAGE \$006.96

ZIP 58102
041L 12204758



NIXIE 581 FE 1 0004/08/21

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

5810382028 0925
58102>4817

BC: 58102481725
#3435-03628-05-45

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

4-6-21

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees	
\$	

Postmark
Here

Sent to Jeremy Kelley
Street and Apt. No. 408 8 Ave. S.
City, State, ZIP Fargo, ND 58103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 3090 0000 3038 6107

Fargo Inspections

City of Fargo
225 4th Street North
701-241-1561
701-476-6779 fax



NOTICE OF DANGEROUS BUILDING

TO: Jeremy Kelly
408 8 Avenue S.
Fargo, ND 58103-2828

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.

2. That the building with which this Notice is concerned is commonly known as 1343 2 Ave S, Fargo, ND and is located on that tract of land in the city of Fargo, more particularly described as follows:

Eddy & Fullers Auditors Outlots, Block 14, E 42.5 FT of W 85 FT of S 110 FT of C.

(hereinafter referred to as "the building")

3. That an inspection was made of the building on February 12, 2021 by Bill Thompson, Building Inspector of the City of Fargo.

4. That the building inspector for the City of Fargo has found the building, consisting of a two-story, wood-framed structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and IPMC Code 108.1.5 concerning Dangerous Structures.

5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.

6. That the owner of the building must demolish the building within 30 (thirty) days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.

7. That the building is unsafe and is a dangerous building in the following respects: See 'Conditions Found Statement' below.

8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and Section 116 of the International Building Code as adopted by Article 21-0101 of the Fargo Municipal Code.

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Building Code and the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 108.2 of the International Property Maintenance Code, 2018 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this 16th day of February, 2021.

11. Order to secure building. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. An inspector will continue to verify compliance. Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 111.1 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated this 16th day of February, 2021.

Conditions Found Statement

On February 12, 2021, Building Inspector Bill Thompson, was present at 1343 2 Ave S, Fargo, ND to address a complaint inspection. The following violations were found:


- Multiple windows are broken.
- Electricity is turned off.
- Multiple extension cords are connected to East neighbor.
- Electrical panel and meter have been tampered with.
- Owner is deceased. Multiple squatters on site.
- City boarded up property on 2/12/2021.
- Multiple complaint calls to police department.
- Debris in rear yard.

The following action must be taken:

- Remove debris in rear yard.
- Provide full engineering on all systems and structure to obtain a permit. The structure must be repaired according to the permit and within a timely manner.
- Or, the structure must be demolished within 30 days of this notice as noted on page one of this document.



Bill Thompson
Building Inspector
City of Fargo, ND



Bruce Taralson
Inspections Director

2/16/2021

Date Signed

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Posting of Dangerous Building Notice – 1343 2 Avenue S., Fargo, ND

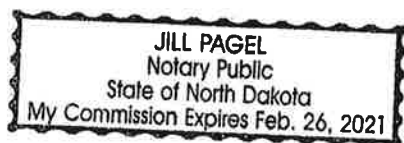
Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 16th day of January 2021, he posted the attached notice upon the following address:

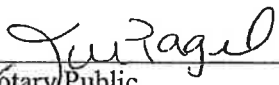
1343 2 Avenue S.
Fargo, ND 58103



Bill Thompson

Subscribed and sworn to before me this 16th day of February, 2021.





Notary Public
Cass County, North Dakota

(SEAL)

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Notice of Dangerous Building – 1343 2 Avenue S., Fargo, ND
CM Receipt#: 9214 8901 9403 8332 3141 74

Gretchen Morlan, being first duly sworn and being of legal age, deposes and says that on the 16th day of February, 2021, she served the attached notice, upon Jeremy Kelly, by placing true and correct copies thereof in an envelope addressed as follows:

Jeremy Kelly
408 8 Avenue S.
Fargo, ND 58103-2828

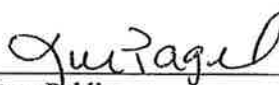
and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.


Gretchen Morlan

Subscribed and sworn to before me this 16th day of February, 2021.



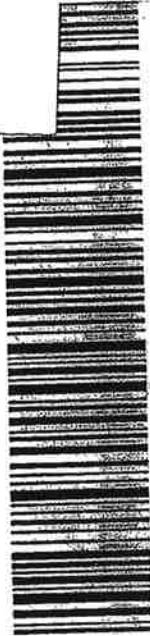
(SEAL)


Notary Public
Cass County, North Dakota

CERTIFIED MAIL

City of Fargo
225 4th Street North
Fargo ND 58108

USPS CERTIFIED MAIL



9214 8901 9403 8332 3141 74

neopostSM
02/16/2021
US POSTAGE \$005.86

ZIP 58102
041L12204758



NIXIE
JEREMY KELLY
408 8TH AVE S
FARGO ND 58103-2828

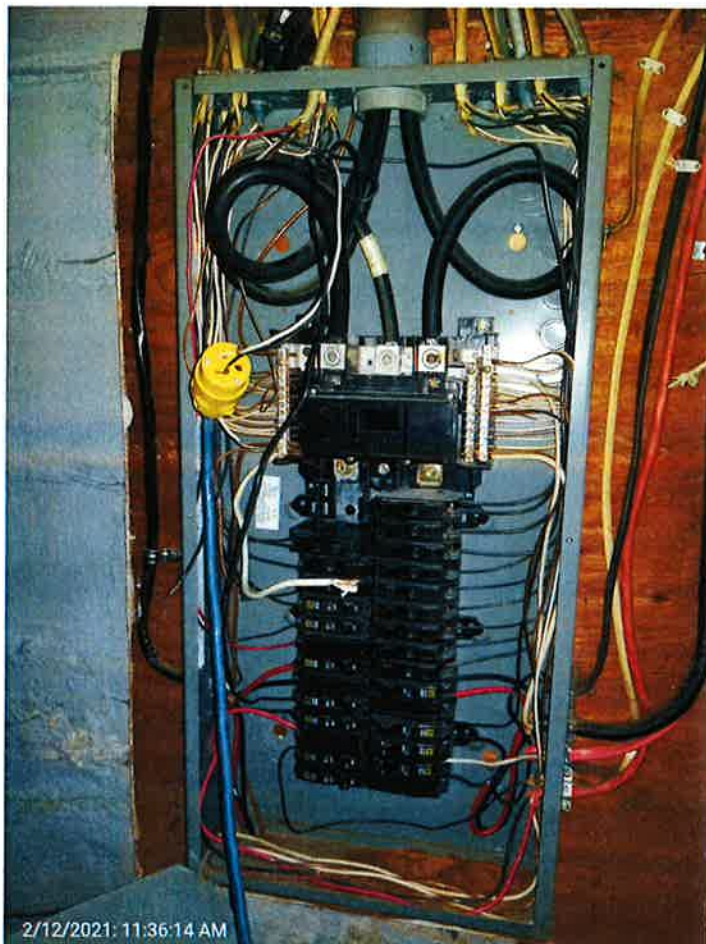
58102 7E 1L 0102/19/21

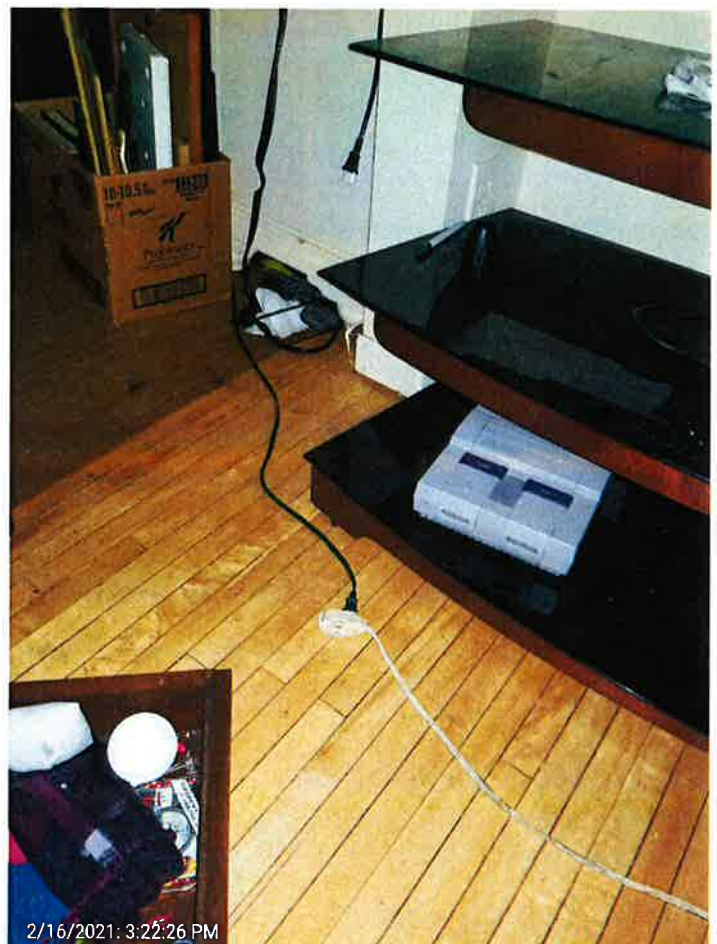
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 58102481725 *0255-00022-19-21

58102>4817









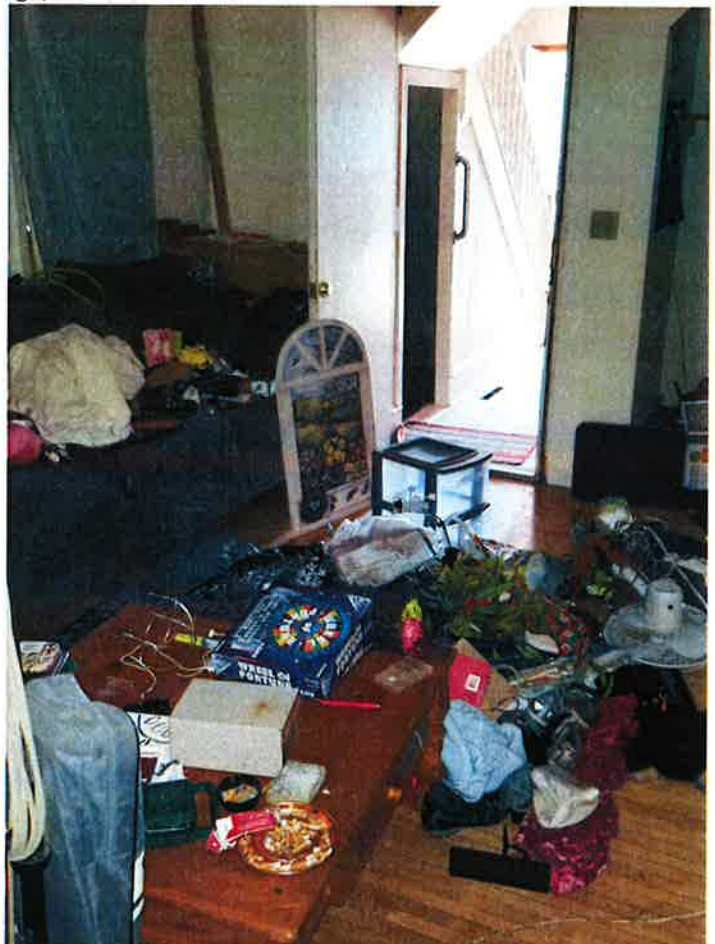
1343 2 Avenue S., Fargo, ND 2/16/2021



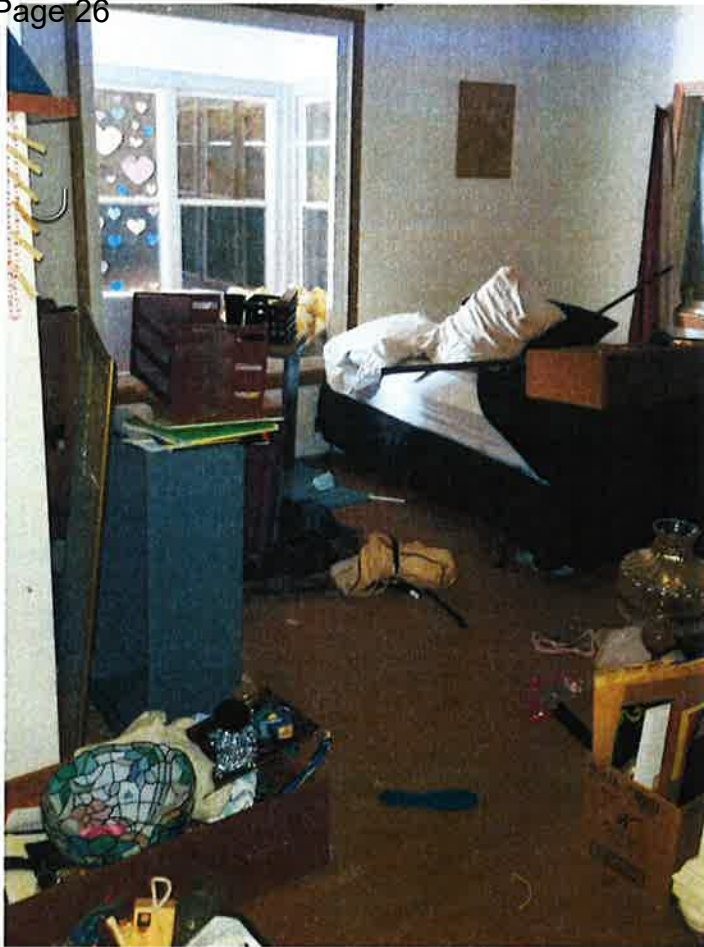


3/8/2021: 1:28:05 PM

1343 2 Avenue S., Fargo, ND 3/8/2021



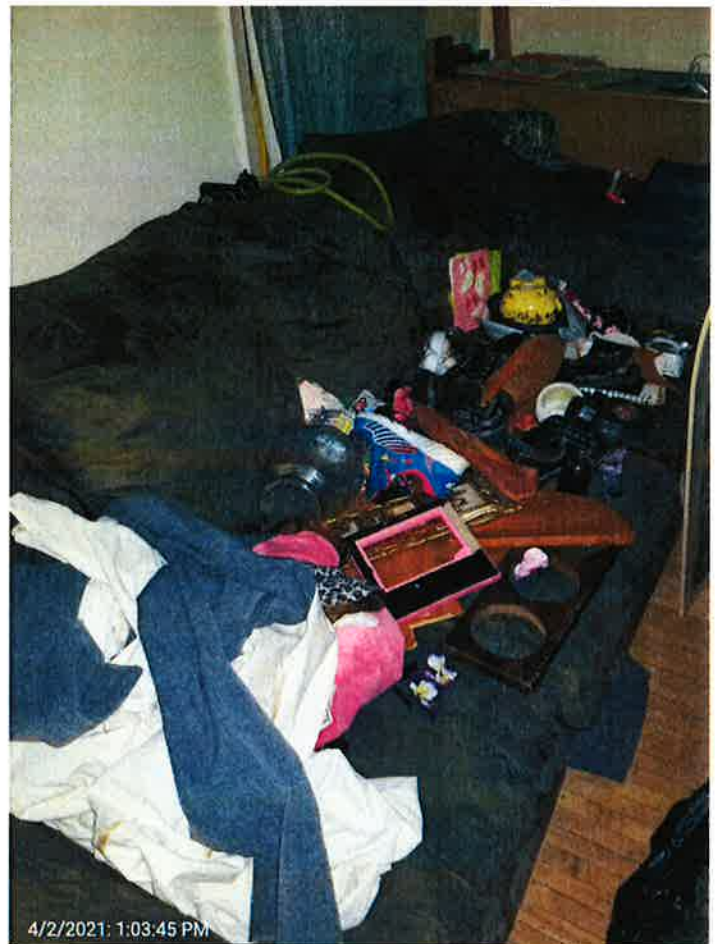
1343 2 Avenue S., Fargo, ND 4/2/2021



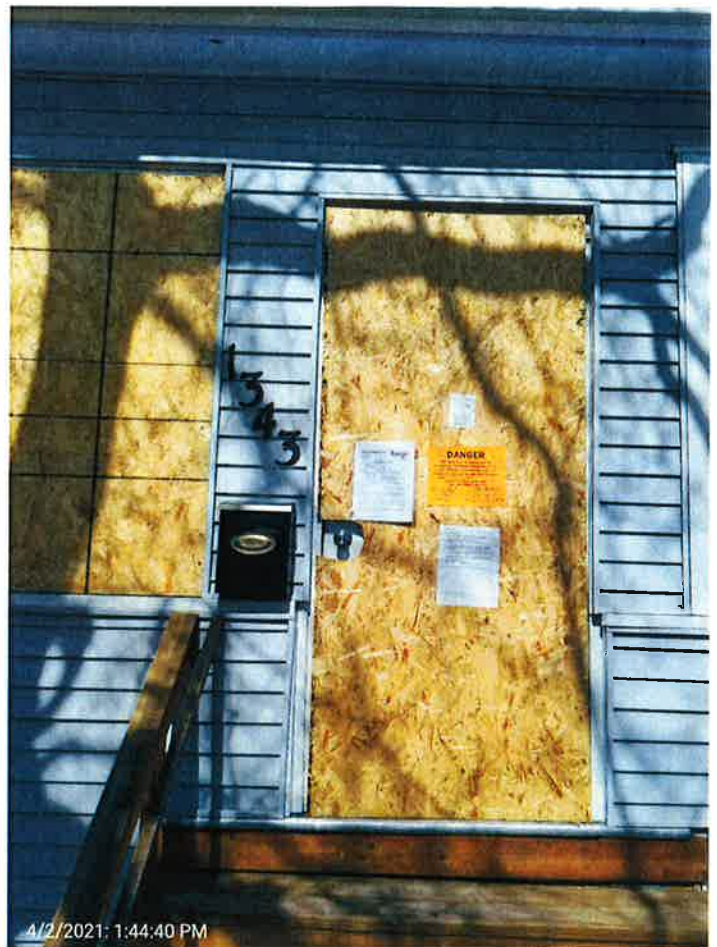
4/2/2021 1:01:15 PM



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1343 2 Avenue S., Fargo, ND 4/2/2021



1343 2 Avenue S., Fargo, ND 4/6/2021

INCIDENT SEARCH
Print Date/Time: 4/14/2021 9:41:32 AM

Incident Number	Call Date/Time	Incident Type	Location	Dispositions
2021-00030029	04/11/2021 11:40:36	Burglary	1343 2ND AVE S, FGO	AC - 1
2021-00018169	03/05/2021 13:20:52	Agency Assist	1343 2ND AVE S, FGO	AC - 1
2021-00018138	03/05/2021 12:07:53	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00017327	03/02/2021 17:10:19	Burglary	1343 2ND AVE S, FGO	ICR - 1, AC - 1
2021-00013403	02/16/2021 14:49:10	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00012896	02/14/2021 14:18:43	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00012891	02/14/2021 14:01:16	Public Assist	1343 2ND AVE S, FGO	AC - 1
2021-00012529	02/13/2021 00:36:56	COP	1343 2ND AVE S, FGO	AC - 1
2021-00012381	02/12/2021 15:40:28	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00012302	02/12/2021 10:52:55	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00011167	02/08/2021 12:21:19	Welfare Check	1343 2ND AVE S, FGO	AC - 1
2021-00002795	01/10/2021 17:24:53	Suspicious	1343 2ND AVE S, FGO	AC - 1
2021-00001290	01/05/2021 16:53:56	Burglary	1343 2ND AVE S, FGO	AC - 2
2020-00097074	12/18/2020 19:39:25	Stolen Vehicle	1343 2ND AVE S, FGO	ICR - 1
2020-00096026	12/15/2020 14:42:12	Theft	1343 2ND AVE S, FGO	ICR - 1
2020-00072968	09/26/2020 00:01:30	Assault	1343 2ND AVE S, FGO	AC - 1
2020-00072277	09/23/2020 21:12:08	Disturbance	1343 2ND AVE S, FGO	AC - 1
2020-00070961	09/19/2020 20:54:39	Assault	1343 2ND AVE S, FGO	ICR - 1, AC - 1
2020-00070050	09/17/2020 07:13:29	Burglary	1343 2ND AVE S, FGO	ICR - 1
2020-00065297	09/01/2020 09:07:30	Disturbance	1343 2ND AVE S, FGO	AC - 1
2020-00064623	08/29/2020 23:23:05	Disturbance	1343 2ND AVE S, FGO	AC - 1
2020-00061613	08/20/2020 04:02:36	Suspicious	1343 2ND AVE S, FGO	UNF - 1
2020-00055494	07/30/2020 15:27:06	Harassment	1343 2ND AVE S, FGO	AC - 1
2020-00052011	07/18/2020 17:46:22	Disturbance	1343 2ND AVE S, FGO	ICR - 1
2020-00050196	07/12/2020 13:31:15	Theft	1343 2ND AVE S, FGO	ICR - 1
2020-00047680	07/03/2020 22:22:54	Fireworks	1343 2ND AVE S, FGO	UNF - 1
2020-00044174	06/22/2020 01:22:27	Assault	1343 2ND AVE S, FGO	ICR - 1, AC - 1
2020-00033604	05/13/2020 00:58:11	Gun Shots	1343 2ND AVE S, FGO	AC - 1
2020-00033219	05/11/2020 13:06:02	Burglary	1343 2ND AVE S, FGO	ICR - 1
2020-00028709	04/20/2020 23:19:13	Disturbance	1343 2ND AVE S, FGO	GOA - 1
2020-00010670	02/08/2020 15:29:58	Disturbance	1343 2ND AVE S, FGO	AC - 1
2019-00000745	01/03/2019 17:56:47	Suspicious	1343 2ND AVE S, FGO	AC - 1
2017-00096657	11/21/2017 11:59:49	Impaired Person	1343 2ND AVE S, FGO	AC - 1
2016-00085962	11/30/2016 22:07:04	Medical Assist	1343 2ND AVE S, FGO	AC - 3
2016-00085724	11/29/2016 21:48:20	Disturbance	1343 2ND AVE S, FGO	AC - 1
2016-00080798	11/09/2016 18:26:22	Harassment	1343 2ND AVE S, FGO	AC - 1
2016-00055009	08/08/2016 07:24:52	Public Assist	1343 2ND AVE S, FGO	AC - 2
2016-00042268	06/22/2016 09:01:27	Welfare Check	1343 2ND AVE S, FGO	AC - 1
2016-00026576	04/24/2016 16:50:54	Public Assist	1343 2ND AVE S, FGO	AC - 2
2016-00007651	02/04/2016 06:53:01	Suspicious	1343 2ND AVE S, FGO	AC - 1

Total Rows: 40

286

City of Fargo Staff Report			
Title:	Reeves Addition, Milwaukee Addition, and Section 1, Township 130 N, Range 49 West (also known as Brewhalla Addition)	Date: Update: Update: Update:	1/26/2021 2/24/2021 3/31/2021 4/14/2021
Location:	1612, 1620, 1624, 1630, 1632, 1666, 1702 1 st Avenue North	Staff Contact:	Maegin Elshaug
Legal Description:	Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; part of Lot 5, Milwaukee Addition; Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West, and a small portion of property located adjacent to the south that is approximately 3,984 square feet.		
Owner(s)/Applicant:	MBA Investments, LLC	Engineer:	Moore Engineering, Inc
Reason for Request:	Zoning Change (from LI, Limited Commercial, GC, General Commercial, and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a Planned Unit Development (PUD) overlay); and a PUD Master Land Use Plan . (see note below for updated information on zoning)		
Status:	City Commission Public Hearing: April 19, 2021		

Existing	Proposed
Land Use: Commercial, Residential, and Industrial	Land Use: unchanged
Zoning: LI, Limited Industrial; GC, General Commercial	Zoning: GC, General Commercial with a PUD
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a CUP allowing Residential and Industrial Uses; and a CUP for an alternative access plan for parking reduction.	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation , major entertainment events, and portable signs . Plus a PUD allowing Residential and Industrial uses
Maximum Density Allowed: LI & GC: 85% building coverage CUP: allows 1 residential unit	Maximum Density Allowed: GC: 85% building coverage (unchanged) PUD: allow 7 units per acre (up to 47 units)

Proposal:

Project Note 4/14/21: The Planning Commission first heard the applications for a 1) minor subdivision, 2) zoning change (including Planned Unit Development [PUD] ordinance), 3) PUD Master Land Use Plan; and 4) PUD Final Plan on February 2, 2021. The Planning Commission continued the item to the March 2, 2021 Planning Commission meeting, as it is typical for PUD projects to be reviewed twice: the first for preliminary review for feedback and public comment, and a second for final review and public comment. At the March 2, 2021 Planning Commission meeting, the Planning Commission recommended approval to the City Commission the minor subdivision and zoning change (that includes the PUD ordinance), but continued the PUD Master and Final plans to the April 6, 2021 Planning Commission meeting, in order to give the applicant and staff more time to work on pedestrian connectivity and landscaping. At the April 6, 2021 meeting, the Planning Commission reviewed the plans, and recommended approval the PUD Master Land Use Plan to the City Commission for review, and approved the PUD Final Plan, contingent on City Commission approval of the zoning change with PUD ordinance and the PUD Master Land Use Plan. As of the writing of this staff report, the Brewhalla Addition (minor subdivision), is currently undergoing technical review. When the review complete, it will be scheduled for a City Commission hearing. Since the zoning item is prior to the plat, the zoning is described by metes and bounds as included at the top of staff report.

The applicant is seeking approval of 1) a zoning change from LI, Limited Industrial and GC, General Commercial to GC, General Commercial with a Planned Unit Development Overlay (PUD) (**see zoning note below**); and 2) a PUD Master Land Use Plan. The subject property is located at 1612, 1620, 1624, 1630, 1632, 1666, 1702 1st Avenue North and contains approximately 6.74 acres. The applicant intends for a new multi-use building to be built on the western portion of the property.

Zoning Note: *Though the agenda, hearing notice and property owner letters note there is a conditional overlay associated with the existing GC zoning, there is, in fact, not a conditional overlay on this property.*

**Background Information**

In June 2018, the Planning Commission approved residential (one unit) and industrial uses in the GC, General Commercial zoning (CUP 2018-007 and recorded Cass County document number 1541641). In July 2018, the Planning Commission approved an alternative access plan for a parking reduction (CUP 2018-009 and recorded Cass County document number 1542377). Both of the CUPs included the property at 1620, 1624, 1630, 1632 and 1666 1st Avenue North and both were approved with conditions. Also in 2018, a variance was approved that allowed the placement of the structure in the southeast corner of the site closer to the property lines than what would normally be

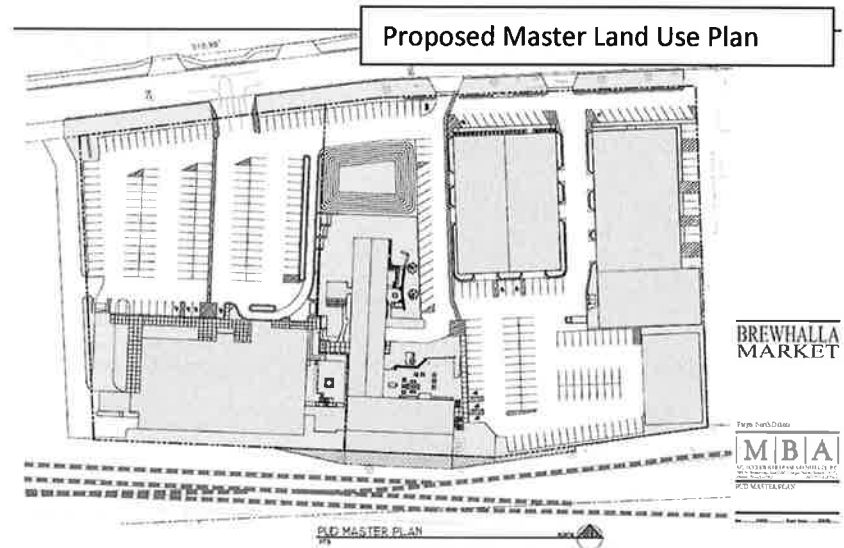
permitted. It is intended that the CUPs and variance will no longer be necessary if the Zoning and PUD Master Land Use Plan and Final Plan are approved, as the PUD would address those items.

Project Summary

The applicant has applied for a minor subdivision, zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project, Brewhalla Market, which will be a new mixed-use building on the west portion of the subject property. According to the applicant, the Brewhalla Market project is proposed to create a new 4-story (with lower level) mixed use facility with underground parking, two stories of food market, retail, and multi-use event space, third floor lodging units (24 rooms), and fourth floor apartments (three 2-bedroom units and fifteen 1-bedroom units – total of 18 units); along with an on-grade corridor connecting the Brewhalla Market project to the Drekker Brewery space (building in the center and south part of the subject property). The applicant would like to have flexibility for the lodging units be developed as residential units; the PUD Overlay section notes the proposed density and units to accommodate this. Due to the complexities of the site and shared parking, the PUD will include the whole property. Existing structures and land uses located on the eastern portion of the project (Lot 2 / the Railyard) are not expected to change with this project. There are several existing structures on the east and south sides that do not meet setback requirements, which the PUD will accommodate. The applicant has submitted a project narrative, PUD Master Land Use Plan and Final Plan which further describes the proposed development. These documents are attached.

PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. All structures are existing except for the Brewhalla Market, the proposed structure on the west. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space.



PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific GC zoning standards:

- Allow residential and industrial use;
- Establish residential density of a maximum of 7 units per acre (allows up to 47 units);
- Reduce the interior side setback to 0 feet (on shared lot line of the proposed Lots 1 and 2 of the subdivision);
- Reduce setback on east interior setback to 2 feet and south rear setback to 0 feet to accommodate existing non-conforming structures;
- Reduce parking lot perimeter landscaping buffer width to minimum 4 feet;
- Modify the minimum off-street parking requirements for a mixed-use development.

In addition to these modifications, the PUD overlay will establish additional design standards for the development, which are largely consistent with the conditions of the existing CUPs 2018-007 and 2018-009. The design standards can be found in the attached draft PUD Ordinance, and are summarized below:

- Prohibited uses
- Bicycle parking
- Pedestrian circulation
- Minimum open space requirement
- Restrictions related to the manufacturing use

Parking Information

The applicant has prepared a parking proposal, which was reviewed by the City's traffic engineer. The traffic engineer concurred with the proposal. The applicant has proposed to keep the existing parking ratios on the east lot (Lot 2 / the Railyard), which were approved through CUP 2018-009. The parking requirements are to provide:

- Two spaces for the one residential unit on site
- One space per 500 square feet for all other uses

The applicant has proposed the following ratios for the west lot (Lot 1 / Brewhalla):

- 1.5 space per residential unit
- One space per 250 square feet for conference and event spaces, food market and patios
- One space per 500 square feet for kitchen and ancillary space
- All other uses will be per the Land Development Code.

Though the two lots have different parking ratios, the parking is intended to be shared between the two lots.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

The Fire Department noted the following comments on the applications:

- Consideration should be given to risk associated with mainline railroad tracks and residential units located in close proximity. On this site, adjustments could be made to move residential units away from the track. The parking lot could possibly provide buffer between building and tracks.

The Inspections Department noted the following comments on the applications:

- There appear to be buildings crossing property lines which is not allowed per building code.
- There appears to be buildings that are too close to property lines. If property lines are installed near existing buildings, they may be not compliant with the building code. They can be reconstructed to comply.
- Any building, construction or work on or near railroad property will need approval from the railroad Owner and will require easement agreements if approved. Statements and easement agreements must be provided prior to approving any permits and work on the property. These easements must be in the Inspections Departments hands prior to permit and signed by all parties involved.
- The comments on this review are for purposes of preliminary review for the building code only and new information must be provided during the application, plan review and permit process that indicate full compliance with all codes and ordinances. The Inspections Department will approve for the PUD and expect all issues will be resolved prior to any permit application submittal.

While the comments from the Inspections Department are included in the staff report, they don't specifically relate to or impact the PUD application; the comments refer more to the design and permitting process and items that will have to be addressed during the building permit review phase.

Continued on next page.

Surrounding Land Uses and Zoning Districts:

- North: Across 1st Avenue North is LI, Limited Industrial and GC, General Commercial with warehouse and office uses;
- East: LI, Light Industrial with warehouse and office uses;
- South: GC, General Commercial with the BNSF Railroad;
- West: LI, Limited Industrial with warehouse and office uses.

Area Plans:

The subject property is located within the boundaries of the Core Neighborhoods Plan, which is in process and in its final stages of development and review.

Context:

Neighborhood: Madison / Unicorn Park

Schools: The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle, and Fargo North High schools.

Parks: Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

Pedestrian / Bicycle: There is an on-road bike facility located north of the property on 1 Avenue North. This bike route is a component of the metro area bikeways system.

Staff Analysis:

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a specific master land use plan that is to be reviewed concurrently with the zoning change request. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received one letter of support. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, specifically:

(from Go2030 Chapter 10—*Neighborhoods, Infill, and New Development*)

- Infill—Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.
- Design Standards—Continue to follow design guidelines for Growth Areas for infill and residential development. Improve quality new housing by fostering strong relationship with the development and building community to promote dense, walkable communities with neighborhood centers.
- Quality New Development—Require new development to meet site design standards that result in well-designed new neighborhoods.

Staff finds that the proposed development is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Master Land Use Plan

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

- 1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. This PUD is intended to promote a mixed-use development pattern by providing flexibility in terms of residential use and density, industrial use, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a larger scale development with residential use. **(Criteria Satisfied)**
- 2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
- 3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**
- 4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *infill*, *design standards*, and *quality new development*. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**
- 5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a mixed-use development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading, place the rezoning Ordinance on the first reading, and move to approve of the 1) Zoning Change from LI, Limited Industrial and GC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay; and 2) PUD Master Land Use Plan, as the proposal complies with the Co2030 Fargo Comprehensive Plan, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: March 2, 2021

At the March 2, 2021 Planning Commission hearing, the Commissioners, by a vote of 8-0, with one Commissioner absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed Zoning Change from LI, Limited Industrial and GC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F(1-4) of the LDC, and all other applicable requirements of the LDC.

At the April 6, 2021 Planning Commission hearing, the Commissioners, by a vote of 6-0, with three Commissioners absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC.

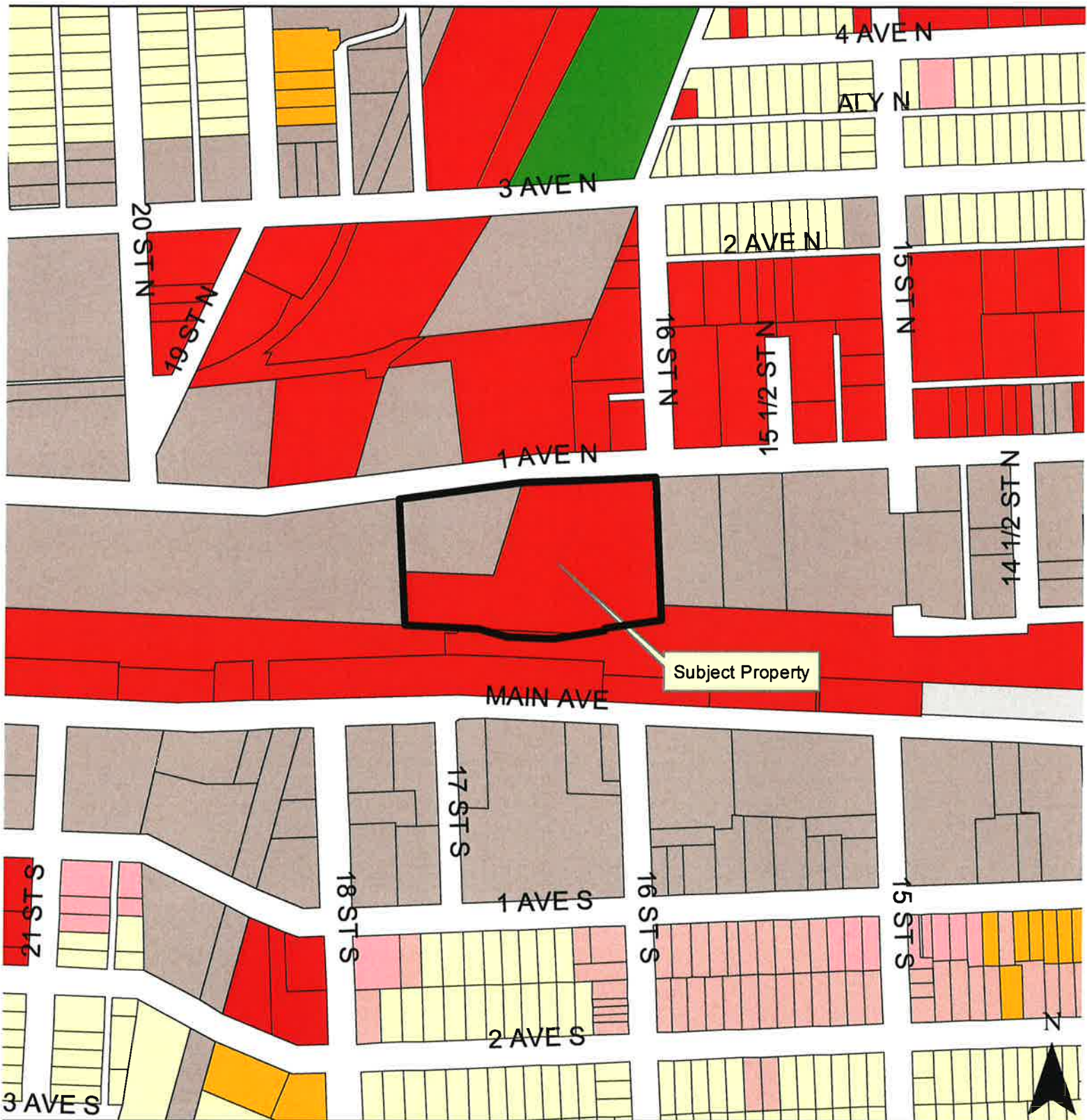
Attachments:

1. Zoning Map
2. Location Map
3. Project narrative from applicant
4. PUD Master Land Use Plan
5. Renderings from applicant
6. Public Comment

Page 36

Zone Change (LI, GC, and GC with a C-O, Conditional Overlay to GC with a Planned Unit Development [PUD] Overlay, repealing the C-O PUD Master Plan

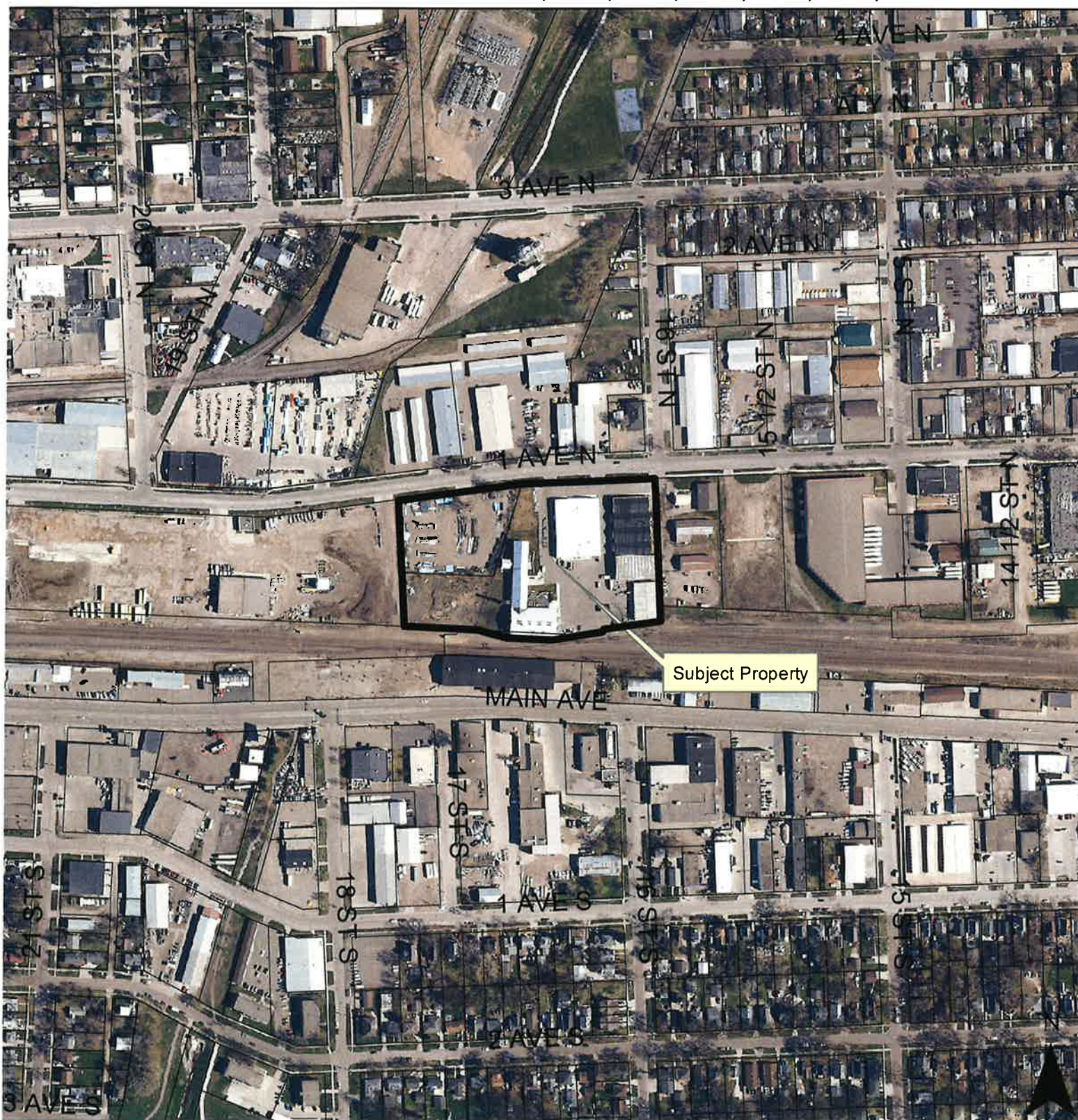
1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N



Page 37

Zone Change (LI, GC, and GC with a C-O, Conditional Overlay to iC with a Planned Unit Development [PUD] Overlay, repealing the C-O) PUD Master Plan

1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N



BREWHALLA MARKET NARRATIVE

The site is located adjacent to the west side of the Railyard Complex (1620, 1624, 1630, 1632 & 1666 1st Avenue North). The site includes an outdoor pipe storage yard (1702 1st Avenue North) combined with land near the railroad tracks that is currently part of the Railyard Complex. We are in the process of revising the property line between the Railyard and the proposed Brewhalla Market site which will require revised plats and legal descriptions for each property.

The proposed plan is to create a new 4 story plus basement Mixed Use Facility that includes underground parking for 41 vehicles and 7 motorcycles; 2 stories of Food Market / Retail / Multi-Use Event spaces; 3rd floor Lodging Units (24 rooms); 4th floor Apartments ((3) 2 BR & (15) 1 BR units); and an on-grade corridor connecting the new Brewhalla to the west end of the existing Drekker Brewery space. The project will be of steel and precast concrete construction with an Atrium and large skylight connecting all 4 above grade floors.

The new site will include 41 below grade parking spaces and 165 on-grade parking spaces (206) that will connect to the existing 163 parking spaces serving the Railyard for a total of 369 parking spaces for the combined development. There are also 10 spaces in the Coffee Drive-up, spaces for 7 motorcycles and 4 spaces in loading / unloading areas in the new development. A storm detention pond will be provided as required by the City. We will also be providing additional sanitary sewer piping through the property and connecting a neighboring site to the west that is not served by City utilities.

This is a facility that would be unique to anything in the region. It will draw people to Fargo for tourism and business. It provides sorely needed conference space to the Fargo / Cass County area. Perhaps most importantly, all this happens on an under-developed formerly industrial infill site in support of current downtown initiatives. All utilities and access are existing and no additional services are necessary.

BREWHALLA MARKET

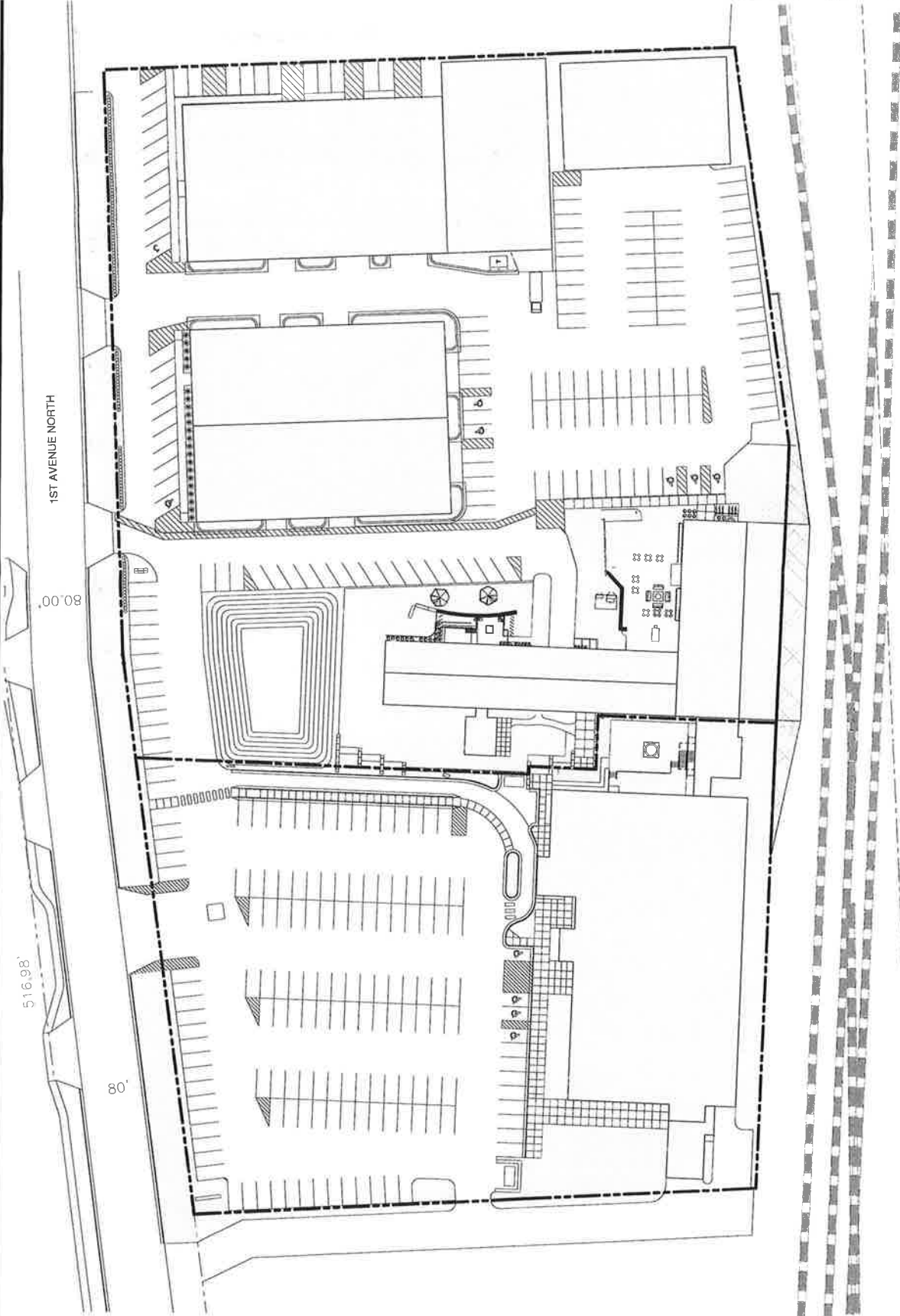
Fargo, North Dakota

M | B | A

MUTCHLER BARTRAM ARCHITECTS, P.C.
205 N. Broadway, Suite 201, Fargo, ND 58102
Phone: 701-233-5463 Fax: 701-233-5435

PUD MASTER PLAN

Date: 3-25-11 Project Number: 20025



PUD MASTER PLAN
NTS



BREWHALLA MARKET

Fargo, North Dakota

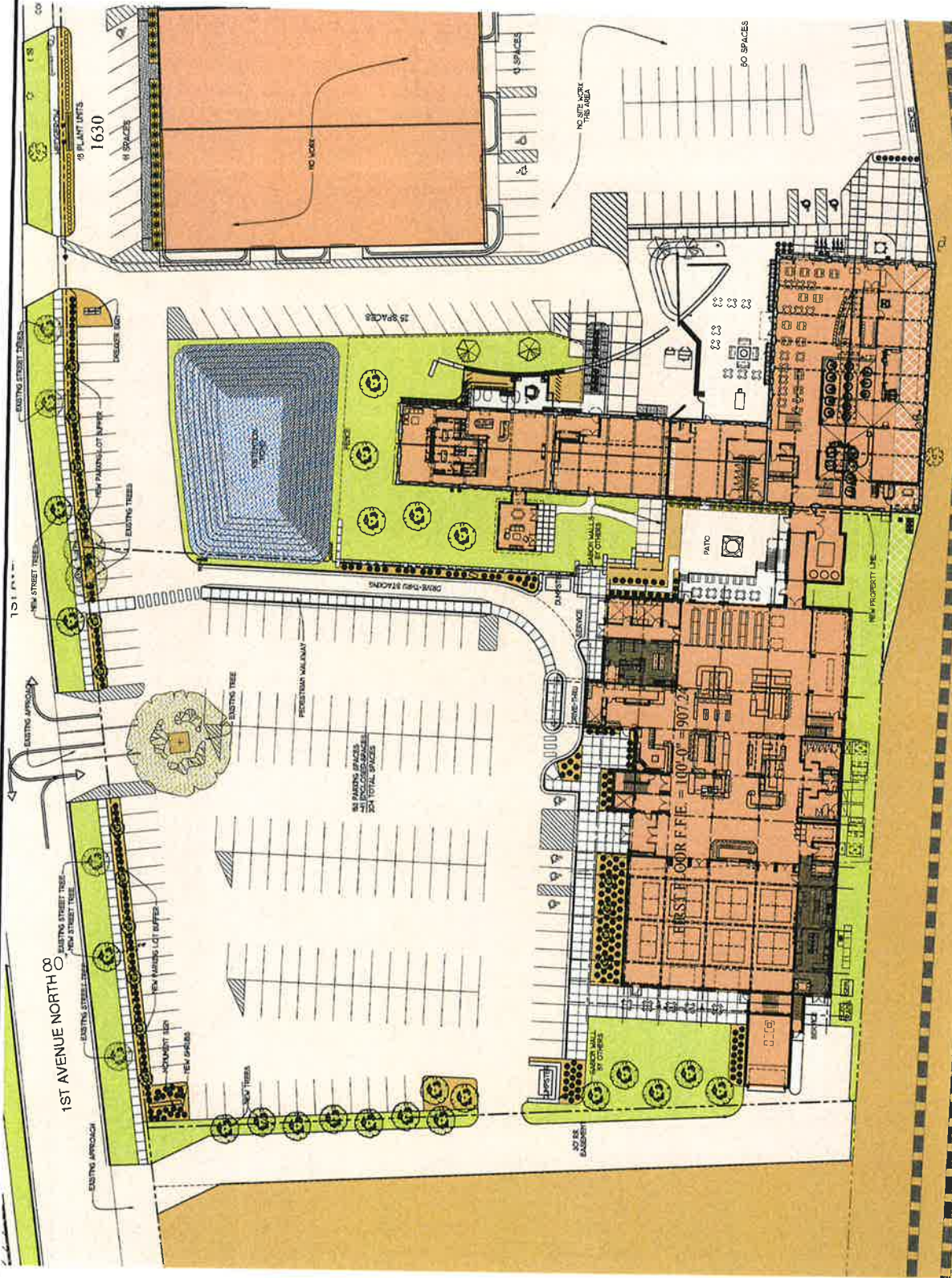
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MUTCHLER BARTHELM ARCHITECTS, P.C.
200 N. Broadway, Suite 201, Fargo, North Dakota, 58102
Phone: 701.232.5500 Fax: 701.232.4481

LANDSCAPING PLAN

Date: 3/28/21 Project Number: 2006

A1.1



LANDSCAPING PLAN
SCALE: 1" = 50'-0"





Perspective rendering from applicant



Perspective rendering from applicant



Perspective rendering from applicant



Suite 200
16 South 16th Street
P. O. Box 9495
Fargo, ND 58106-9495
(701) 281-3951

January 21, 2021

Planning Commission
City of Fargo
225 4th Street No
Fargo, ND 58102

RE: BREWHALLA

To Whom It May Concern:

SNAPS Holding Company is the parent company of KP Main, LLC and other properties and enterprises throughout the region. KP Main is a commercial property that we own and is best known as the "Knight Printing Building", named for our tenant, Knight Printing. KP Main is a recipient of the meeting notice regarding Brewhalla.

We are writing in SUPPORT of the Brewhalla Addition and all the imagination, planning, work, investment, and development occurring along the 1st Avenue North corridor that we have seen since the revitalization of the neighborhood began.

We are excited to see the positive changes to the neighborhood and ask that they be allowed to continue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sanjay C. Patel".

Sanjay C. Patel
President

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2862

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN REEVES ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Reeves Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on March 2, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 19, 2021,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Blocks Twenty-six (26) and Twenty-seven (27), the vacated "L" Street (16 ½ Street North), the West Twenty-five (25) feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, **Reeves Addition**; part of Lot Five (5), **Milwaukee Addition**; Auditor's Lot No. 1 of the South Half of **Section 1, Township 139 North, Range 49 West**, and a small portion of property located adjacent to the south that is approximately 3,984 square feet of Reeves Addition to the city of Fargo, Cass County, North Dakota,

is hereby rezoned from "LI", Limited Industrial, District and "GC", General Commercial, District to "GC", General Commercial, District and to enact a "PUD", Planned Unit Development Overlay, District as follows:

A. Allowed Uses.

1. In addition to the uses allowed within the "GC", General Commercial zoning district, residential and industrial uses shall also be allowed.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

B. Residential Density.

1. The maximum residential density allowed shall be seven (7) units per acre.

C. Parking.

1. Lot One (1) (the west property as indicated on the PUD Master Plan) parking requirements are as follows:
 - a. One and one-half (1.5) parking spaces per residential unit;
 - b. One (1) space per two-hundred and fifty (250) square feet for conference spaces, event spaces, the food market, and patios;
 - c. One (1) space per five-hundred (500) square feet for kitchen and ancillary space; and
 - d. All other parking requirements shall be governed by the Land Development Code.
2. Lot Two (2) (the east property as indicated on the PUD Master Plan) parking requirements are as follows:
 - a. Two (2) parking spaces for one (1) residential unit on site; and
 - b. One (1) parking space per five-hundred (500) square feet for all other use.
3. Required parking can be shared and located on either Lots One (1) or Two (2).

D. Setbacks.

1. The interior setback of the shared lot line between Lots One (1) and Two (2) shall be reduced to zero (0) feet.
2. In order to accommodate existing structures on Lot Two (2), the interior setback on the east side shall be reduced to two (2) feet and the rear setback shall be reduced to zero (0) feet.

E. Landscaping.

1. The width of the parking lot perimeter landscaping buffer shall be reduced to four (4) feet.

F. The following uses are prohibited:

1. Detention Facilities;
2. Adult Entertainment Center;
3. Vehicle Repair;
4. Limited Vehicle Services;

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

5. Aviation/Surface Transportation;
6. Off-Premise Advertising; and
7. Portable Signs.

G. Bicycle Parking.

1. Bicycle parking facilities, such as bike racks and bike lockers, shall be provided on site.

H. Site Design.

1. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance(s) to each commercial building;
 - b. Parking areas that service said commercial buildings; and
 - c. Public sidewalk or walkway within the 1st Avenue North right-of-way.
2. In locations where pedestrian walkways intersect or cross vehicular circulation areas, pavement striping or contrasting paving shall be used along with signage and/or other design methods to demarcate the pedestrian circulation system.

I. Additional Standards.

1. Open space shall be a minimum of 20%.
2. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as governed by the Land Development Code.
3. The property shall not be used in whole or in part for storage or rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted, except for brewing of beer.
5. The manufacturing, production or processing of hazardous chemicals or materials shall not be permitted.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

6. No loading or unloading operations may be conducted between the hours of 10:00 PM and 6:00 AM.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:

28d

City of Fargo Staff Report			
Title:	Madelyn's Meadows Fourth Addition	Date:	9/30/2020
		Updated:	4/15/2021
Location:	7269 25 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the North half of the South half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Sitka Investments, LLC/Jon Youness	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of portion of the North half of the South half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota). Zone Change (from AG, Agricultural to SR-4, Single-Dwelling Residential, and MR-1, Multi-Dwelling Residential, and P/I, Public/Institutional)		
Status:	City Commission Public Hearing: April 19, 2021		
Existing	Proposed		
Land Use: Not developed	Land Use: Residential		
Zoning: AG, Agricultural	Zoning: PI, Public/Institutional; SR-4, Single-Dwelling Residential; MR-1, Multi-Dwelling Residential		
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Uses Allowed: <u>SR-4</u> allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities <u>MR-1</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities <u>Public and Institutional (P/I)</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.		
Maximum Density Allowed (Residential): <u>AG</u> allows 1 dwelling units per 10 acres	Maximum Density Allowed: <u>SR-4</u> allows 12.1 dwelling units per acre <u>MR-1</u> allows 16 dwelling units per acre; <u>P/I</u> is not a residential zone so has no density standard.		
(continued on next page)			

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Madelyn's Meadows Fourth Addition**, a plat of portion of the North half of the South half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota.; and
2. A zone change from AG, Agricultural to SR-4, Single-Dwelling Residential; MR-1, Multi-Dwelling Residential; and P/I, Public/Institutional

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single Dwelling Residential; SR-5, Single Dwelling Residential; MR-1, Multi-Dwelling Residential; P/I, Public/Institutional; platted; residences under construction.
- East: SR-4, Single Dwelling Residential; MR-1, Multi-Dwelling Residential; platted; residences under construction.
- South: AG, Agricultural, undeveloped.
- West: Cass County Drain 53; AG-zoned undeveloped land outside of city limits on the west side of this drain.

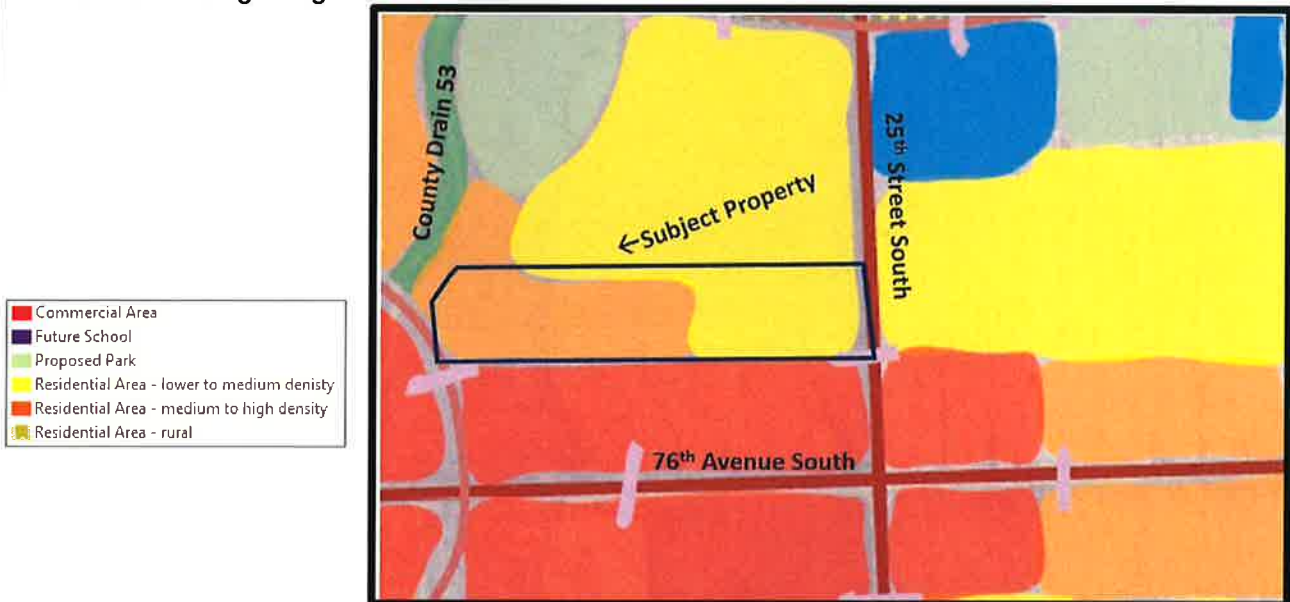
Area Plans:

The 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan, designates the area of this project as

- lower to medium density residential development (yellow color), which includes the SR-4 zone; and
- medium to high density residential (orange color), which includes the MR-1 zone.

The P/I zone is acceptable in both land use designations.

Note that the areas designated in the growth plan are not exact boundaries but approximate areas, whereas the zoning designations are tied to the lot lines.



Context:

Schools: The subject property is located within the Fargo Public School District and is served by Bennett Elementary, Discovery Middle and Davies High schools.

Neighborhood: The subject property is located within the Davies neighborhood.

Parks: The plat is proposed to include a 2.17 acre public park on Lot 7, Block 6 that will be owned by the Fargo Park District. The project site is located approximately 0.1 mile from Golden Valley park (6977 Golden Valley Parkway) in the Madelyn's Meadows Third and Golden Valley subdivisions to the north. This park offers the amenities of basketball courts, playgrounds for ages 2-5 and 5-12, and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities along 25th Street South that are a component of the metro area bikeways system. A trail along 73rd Avenue South, within the 80-foot public right of way, will be constructed along with that street.

Staff Analysis:

PLAT AND ZONE CHANGE

The project proposes 118 lots in seven blocks, as shown below:

BLOCK	LOTS	ZONING	LAND USE
1	1-22	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
2	1-16	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
3	1-16	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
4	1-34	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
5	1-14	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
6	1-6 and 8-14	SR-4 / Single-Dwelling Residential	Detached single-dwelling residences
6	7	P/I, Public/Institutional	Public Park (Fargo Park District)
7	1	P/I, Public/Institutional	To be owned by SE Cass Water Resources District
7	2	MR-1, Multi-Dwelling Residential	Attached residences

ZONING--RESIDENTIAL: The SR-4 zoned single-dwelling lots are intended for detached single-dwelling residences. The MR-1 zoned lot will accommodate a maximum of 67 dwelling units. All lots meet the dimensional requirements of their respective zones.

ZONING—P/I: The P/I zoning is the appropriate zoning for the publicly-owned park lot, Lot 7, Block 6. P/I is also the appropriate zoning for Lot 1, Block 7. This lot is for the protection of Drain 53 and is dedicated to the public (that is, to be owned by Southeast Cass Water Resources District) for the purposes of this drain, pursuant to LDC Section 20-0610.F. Dedication of this lot to SE Cass was not specified on the original plat.

ACCESS: The lots will be accessed by way of dedicated public streets created with this plat, as well as the previously platted 73rd Avenue South on the north side of this plat.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's streets and trails. This plan was reviewed by the Public Works Project Evaluation Committee (PWPEC).

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The existing zoning is AG, Agricultural. The property needs to be rezoned to be developed. The propose zoning is consistent with

the land use designations of the 2007 Growth Plan—Tier 1 Southwest as noted above.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision front on existing dedicated public streets, which will provide access and public utilities to serve the development.

(Criteria satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries on this property. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Southeast Growth Plan. This plan designates this property as appropriate for

- lower to medium density residential development, which includes the SR-4 zone; and
- medium to high density residential, which includes the MR-1 zone.

The P/I zone is acceptable in both land use designations.

Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

The LDC stipulates that the following criteria are met before a major plat can be approved

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The proposed zoning designations—SR-4, MR-1, and P/I—are consistent with the land use designations in the 2007 Tier 1 Southeast Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries on this property. **(Criteria Satisfied)**

2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The existing and proposed zoning designations are consistent with the 2007 Tier 1 Southeast Growth Plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan was reviewed by the Public Works Project Evaluation Committee (PWPEC). The City's standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed: 1) zone change from AG, Agricultural to SR-4, Single-Dwelling Residential; MR-1, Multi-Dwelling Residential; and P/I, Public/Institutional; and 2) **Madelyn's Meadows Fourth Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 6, 2020

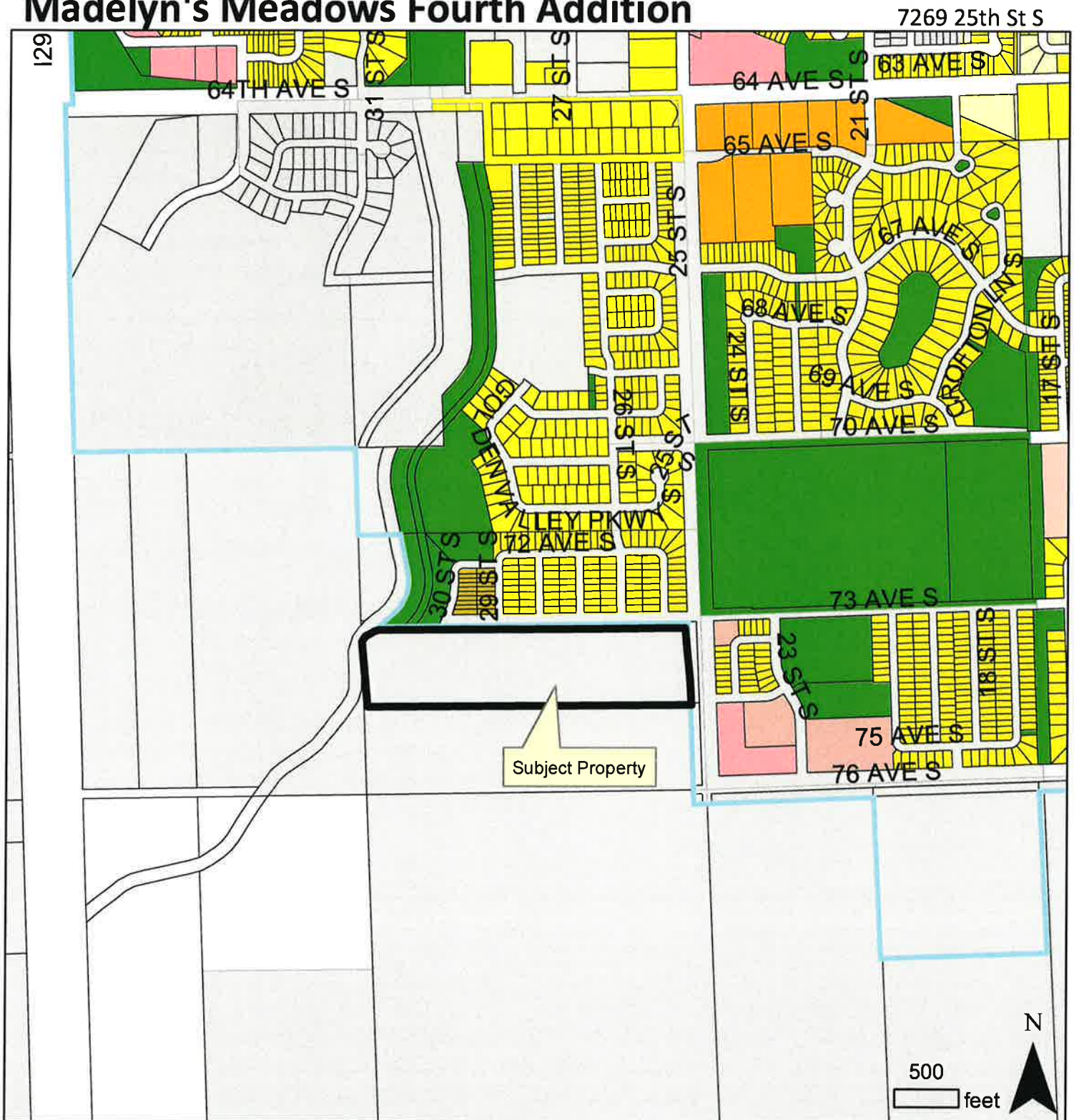
At the October 6, 2020 Planning Commission, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-4, Single-Dwelling Residential; MR-1, Multi-Dwelling Residential; and P/I, Public/Institutional; and 2) **Madelyn's Meadows Fourth Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Zone Change (AG to SR-4, MR-1 & P/I) & Plat (Major)

Madelyn's Meadows Fourth Addition



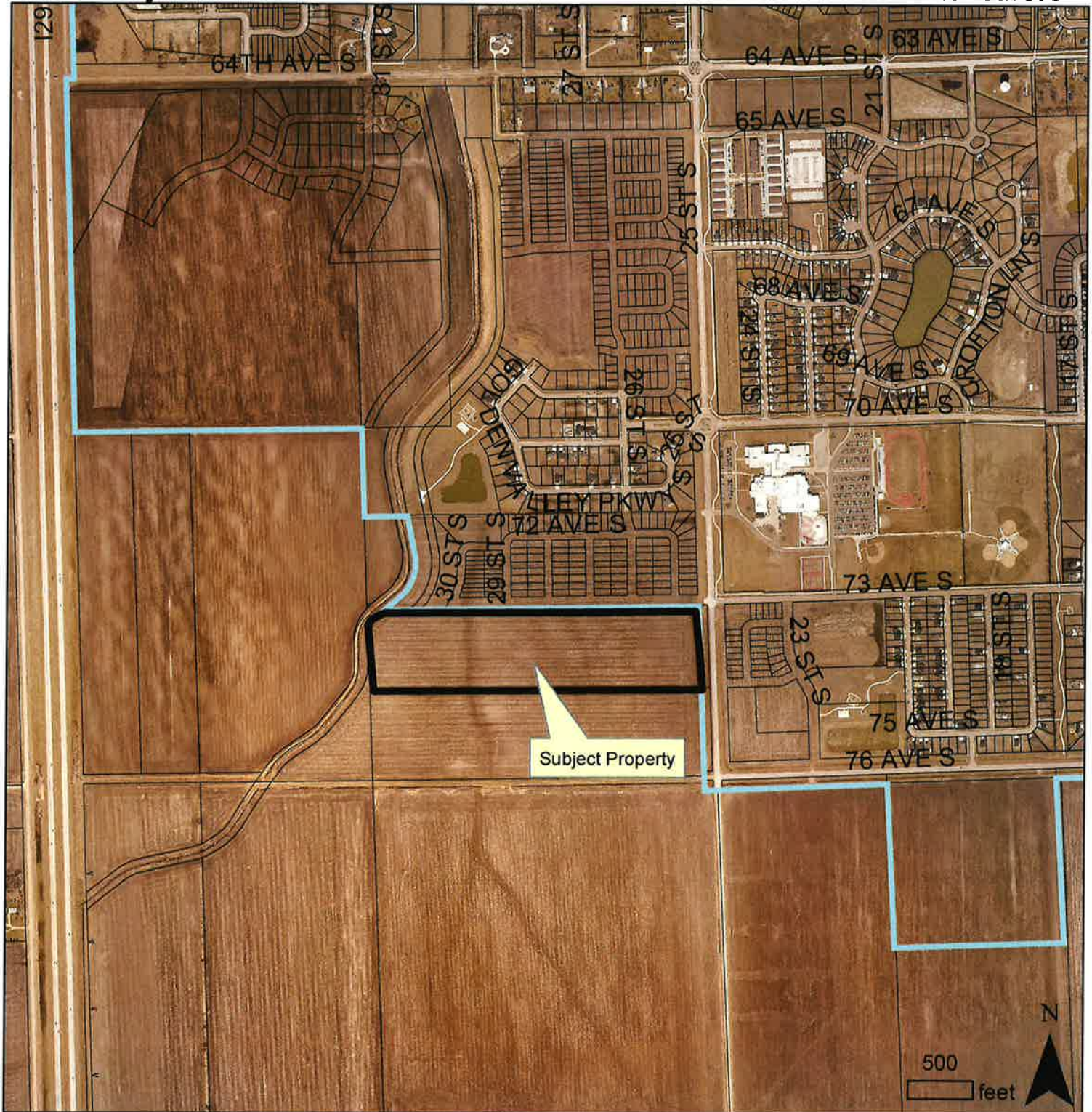
Legend

AG	DMU	LC	MHP	SR-4
GO	MR-1	MR-2	U/I	U/I
GO	MR-3	U/I	U/I	U/I
				City Limits

Zone Change (AG to SR-4, MR-1 & P/I) & Plat (Major)

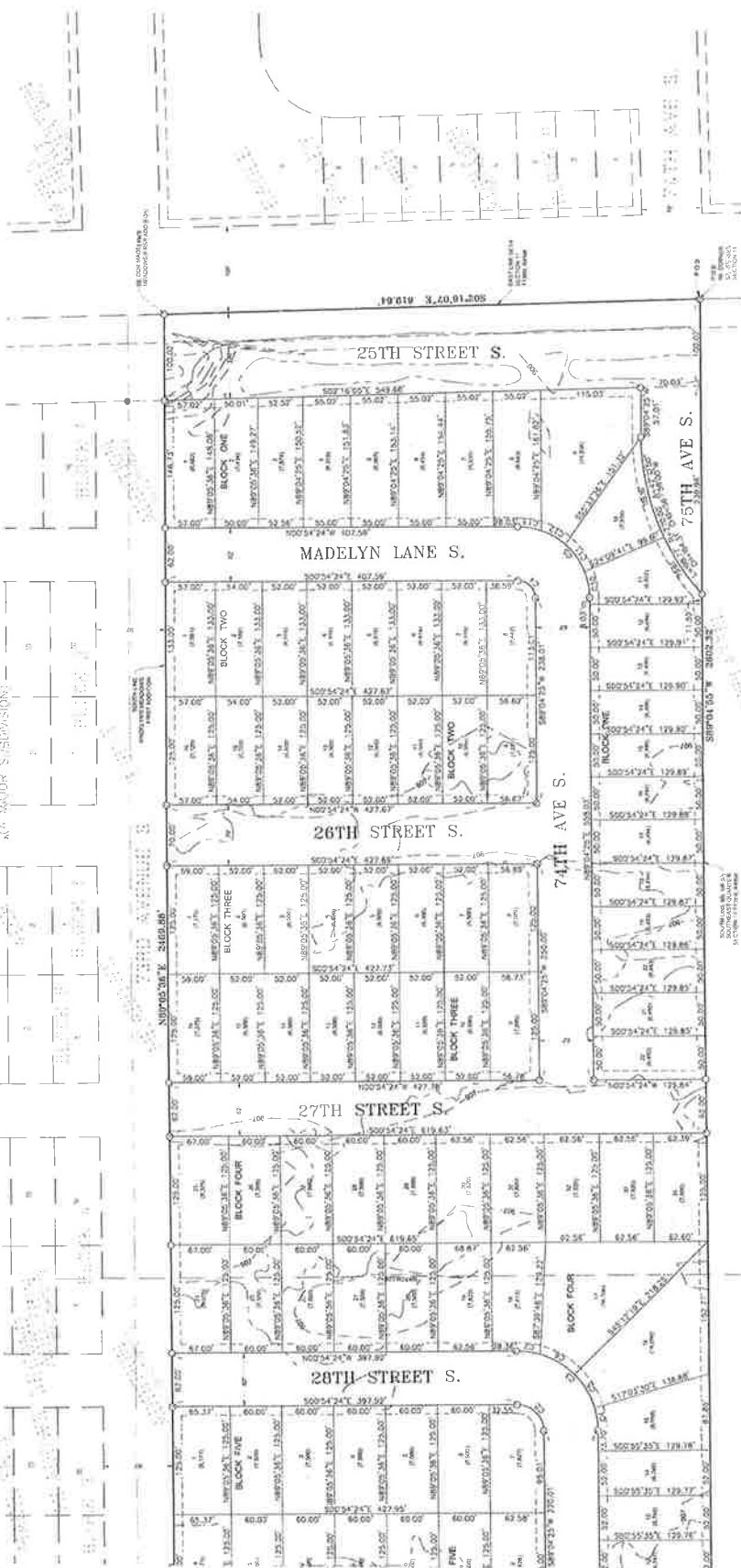
Madelyn's Meadows Fourth Addition

7269 25th St S



MADLYN'S MEADOWS FOURTH ADDITION

A PART OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 118 NORTH, RANGE 49 WEST OF THE 5TH E.M.
TO THE CITY OF FARO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION



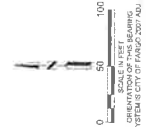
CURVE TABLE

CURVE#	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	84.67'	200.00'	27°14'17"	N87°28'12"E	94.98'
C2	41.11'	200.00'	89°58'47"	S84°27'00"W	42.47'
C3	144.48'	30.00'	89°58'47"	S44°00'00"W	140.09'
C4	21.41'	20.00'	89°58'47"	S44°00'00"W	38.20'
C5	128.89'	80.00'	89°58'47"	S44°00'00"W	133.93'

- NOTES:**
GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET
- UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO EXISTING EASEMENTS AND ARE SHOWN UNLESS OTHERWISE NOTED.
 - PART OF THIS PLAT FALLS IN A COORPLAN ZONE MAP ACCORDING TO FEMA FIRM MAP 0101700002 WITH AN ELEVATION OF 1100 FEET. THE AREA IS NOT MAJORING ACCORDING TO FEMA. CONTIGUA CONVECTION NO. 11.
 - BRIDGE MARK TOP NOT PRESENT - 25 FEET ON ONE END OF THE NORTH-EAST CORNER OF MADLYN'S MEADOWS FIRST ADDITION - 811.10 (MADLYN)

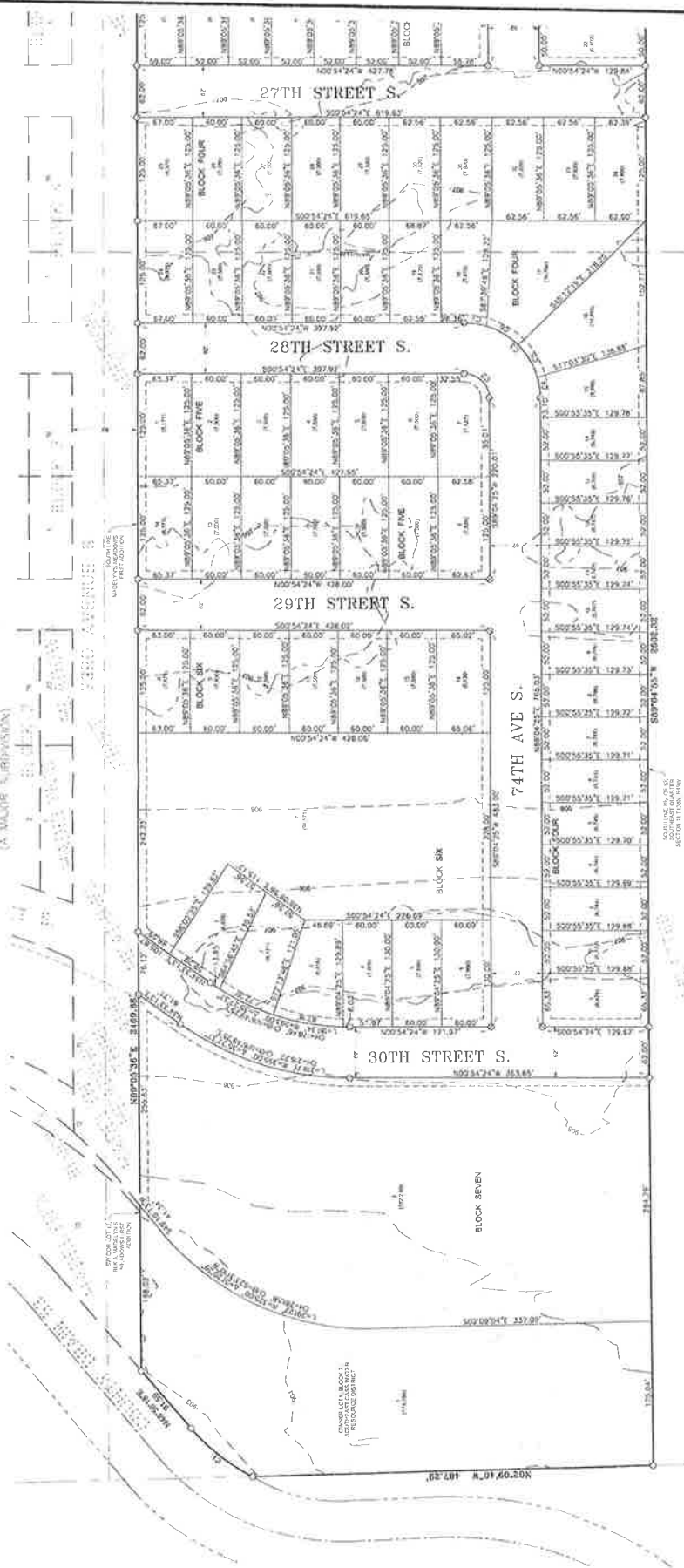
- LEGEND**
- SET MONUMENT OFF (REBAR, WCAP, 1/2" IRON)
 - FOUND MONUMENT
 - LOT AREA IN SQUARE FEET
 - PLAT BOUNDARY
 - EXISTING BOUNDARY
 - NEW BOUNDARY
 - EXISTING EASEMENT LINE
 - EXISTING PROPERTY LINE
 - 95% FLOOD PLAIN

Mead Hunt
meadhunt.com
PROJECT NO. 4837200-190431
SHEET 3 OF 3



MADELYN'S MEADOWS FOURTH ADDITION

A PART OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 10 TO THE CITY OF TARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



CURVE TABLE					CHORD LENGTH
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	
C1	94.67	136.48	27-55-12	N 28 12 E	94.00
C2	47.11	30.00	88-58-00	S 84 00 00 W	42.42
C3	144.48	93.00	89-55-00	S 84 00 00 W	133.89
C4	31.41	20.00	89-53-00	S 84 00 00 W	28.28
C5	146.76	30.00	84-15-00	S 84 00 00 W	145.80

NOTES:

ALL DISTANCE MEASUREMENTS ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

UTILITY EASEMENTS ARE IN WORK ALONG AND ADJACENT TO ALL STREET FRONT OF WAYS AND NEIGHBORHOOD LINES AS SHOWN ON THE ATTACHED PLAT.

PART OF THE PLAT FALLS IN FLOODPLAIN ZONE "A1".

ACCORDING TO FEMA FIRM MAP AND RECORDING WITH AN EFFECTIVE DATE 7/6/2015. THE SAME IS FOR ELEVATION INFORMATION OF THIS TRACTS ACCORDING TO FEMA. CONTOUR INFORMATION WAS OBTAINED FROM FIELD SURVEY CONDUCTED NOV. 11, 2017.

BENCHMARK "TOP" NOT FOUND - 45.25 FEET SOUTHEAST OF NORTH-EAST CORNER OF MADREYN'S MEADOWS FIRST ELEVATION = 911.10 (TVDMS)

LEGEND

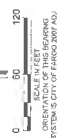
	SET MONUMENT (1/4\"/>
	FOUND MONUMENT
	LOT AREA IN SQUARE FEET
	PLAY BOUNDARY
	BLOCK BOUNDARY
	LOT LINE
	NEW BASEMENT LINE
	EXISTING BASEMENT LINE
	EXISTING PROPERTY LINE

**Mead
Hunt**
Phone: 701-565-6450
meadhunt.com

PROJECT NO.
4537000-190431
SHEET 2 OF 3

Phone: 701-565-6450
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PROJECT NO.
4537000-190431
SHEET 2 OF 3



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

28d2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN MADELYN'S MEADOWS FOURTH ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed Madelyn's Meadows Fourth Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on October 6, 2020; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 19, 2020,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lots One (1) through Twenty-two (22), Block One (1); Lots One (1) through Sixteen (16), Block Two (2); Lots One (1) through Sixteen (16), Block Three (3); Lots One (1) through Thirty-Four (34), Block Four (4); Lots One (1) through Fourteen (14), Block Five (5); and Lots One (1) through Six (6) and Eight (8) through Fourteen (14), Block Six (6) of Madelyn's Meadows Fourth Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District, to "SR-4", Single-Dwelling Residential, District.

Section 2. The following described property:

Lot Seven (7), Block Six (6) and Lot One (1), Block Seven (7) of Madelyn's Meadows

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Fourth Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District, to "P/I", Public and Institutional, District.

Section 3. The following described property:

Lot Two (2), Block Seven (7) of Madelyn's Meadows Fourth Addition to the City of
Fargo, Cass County, North Dakota.

is hereby rezoned from "AG", Agricultural, District, to "MR-1", Multi-Dwelling Residential,
District.

Section 4. The City Auditor is hereby directed to amend the zoning map now on file in his
office so as to conform with and carry out the provisions of this ordinance.

Section 5. This ordinance shall be in full force and effect from and after its passage and
approval.

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

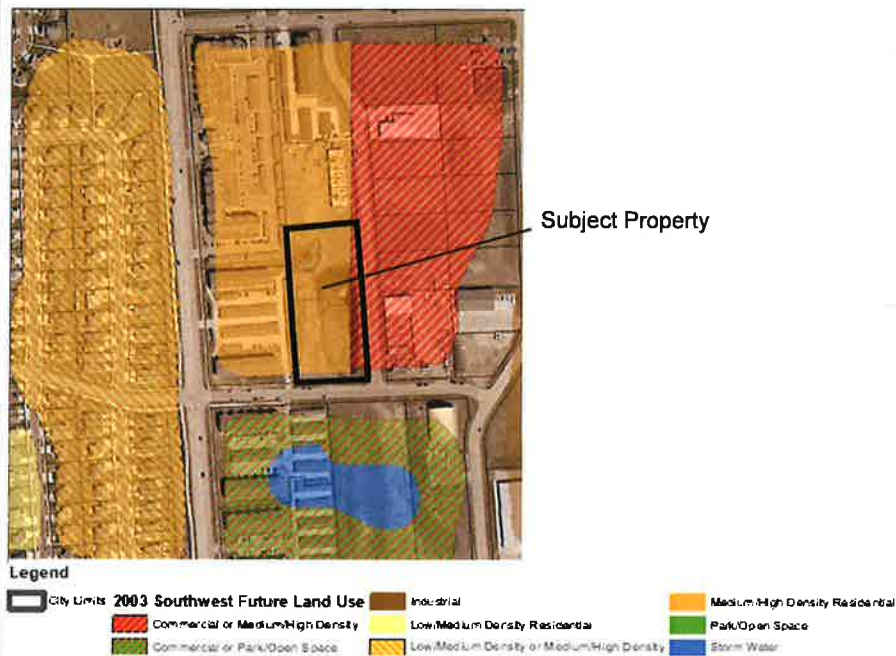
282

City of Fargo Staff Report			
Title:	Asleson Farms Fourth Addition	Date:	1/26/2021
		Updated:	4/14/2021
Location:	3523 & 3575 41 st Street South	Staff Contact:	Maggie Squyer
Legal Description:	Part of Lot 3 and all of Lot 4, Block 1, Asleson Farms Third Addition		
Owner(s)/Applicant:	JNB Properties, LLC	Engineer:	Mead & Hunt
Entitlements Requested:	Zoning Map Amendment (from MR-2, Multi-Dwelling Residential to LC, Limited Commercial) and Minor Subdivision (A replat of part of Lot 3 and all of Lot 4, Block 1, Asleson Farms Third Addition)		
Status:	City Commission Public Hearing: April 19, 2021		

Existing	Proposed
Land Use: Vacant	Land Use: Vacant; Retail Sales & Services (dance studio)
Zoning: MR-2, Multi-Dwelling Residential	Zoning: MR-2, Multi-Dwelling Residential and LC, Limited Commercial
Uses Allowed: Multi-Dwelling Residential allows detached housing, attached housing, duplexes, multi-dwelling structures, group living, group living restricted residency, community service, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities.	Uses Allowed: Multi-Dwelling Residential allows detached housing, attached housing, duplexes, multi-dwelling structures, group living, group living restricted residency, community service, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities. Limited Commercial allows colleges, community service, day care facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off-premise advertising signs, commercial parking, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.
Maximum Building Coverage: MR-2 allows 35% of lot	Maximum Building Coverage: MR-2 allows 35% of lot and LC allows 55% of lot

Proposal:
<p>The applicant is seeking approval of 1) a Zoning Map Amendment, and 2) a Minor Subdivision entitled Asleson Farms Fourth Addition. The proposed zoning map amendment would rezone a portion of existing Lot 4 from MR-2, Multi-Dwelling Residential to LC, Limited Commercial, to construct a dance studio. The remainder of the subject property would retain the existing MR-2 zoning designation. The proposed minor subdivision would replat the existing lots into two new lots.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: MR-2, Multi-Dwelling Residential, with an apartment complex • East: LI, Limited Industrial, with warehouse and office • South: MR-3, Multi-Dwelling Residential, with an apartment complex and P/I, Public and Institutional, with City-owned land. • West: MR-3, Multi-Dwelling Residential, with an apartment complex <p>Area Plans:</p>

According to the 2003 Southwest Future Land Use Plan, the subject property falls into both the Medium/High Density Residential and the Commercial or Medium/High Density land use designations.



Schools and Parks:

Schools: The subject property is located within the Fargo Public School District and is served by Kennedy Elementary, Discovery Middle and Davies High school.

Neighborhood: The subject property is located in the Pointe West Neighborhood.

Parks: The subject property is located within half of a mile from Pointe West Park (3331 42nd Street South) and Edgewood Village Park (3750 45th Street South) which offer playground equipment, picnic tables, soccer fields, and recreational trails, among other amenities.

Pedestrian / Bicycle: The subject property is not connected to bike facilities. A shared use path is located on the west side of 42nd Street South near the subject property.

Staff Analysis:

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any zoning map error in regards to the subject property. The property owner is interested in constructing a dance studio on the southern portion of the property. For this use to be allowed, the applicant is requesting that future Lot 1 of the proposed Asleson Farms Fourth Addition be zoned LC, Limited Commercial. This low-intensity commercial district would allow a dance studio to be constructed without any additional entitlements. Staff finds that the requested zone change is justified by a change in conditions at this location since the previous zoning classification was established.

(Criteria Satisfied)

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.

(Criteria Satisfied)

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received one inquiry and no formal complaints in response to these notices. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. The 2003 Southwest Future Land Use Plan identified the subject property as suitable for either medium to high-density residential or commercial development. The requested zone change and plat would create one LC, Limited Commercial, lot and one MR-2, Multi-Dwelling Residential, lot. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City.

(Criteria Satisfied)

Subdivision

The LDC stipulates that the following criteria be met before a major plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subject property is located in the Pointe West neighborhood and is designated as both Commercial or Medium/High Density and Medium/High Density Residential in the 2003 Southwest Future Land Use Plan. The proposed retail service use is consistent with the proposed Limited Commercial zoning and the existing zoning in the area. The proposed subdivision will replat two existing lots into two new lots. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry and no formal complaints about the application. Staff finds that this application complies with standards of Article 20-06, the 2003 Southwest Future Growth Plan, and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

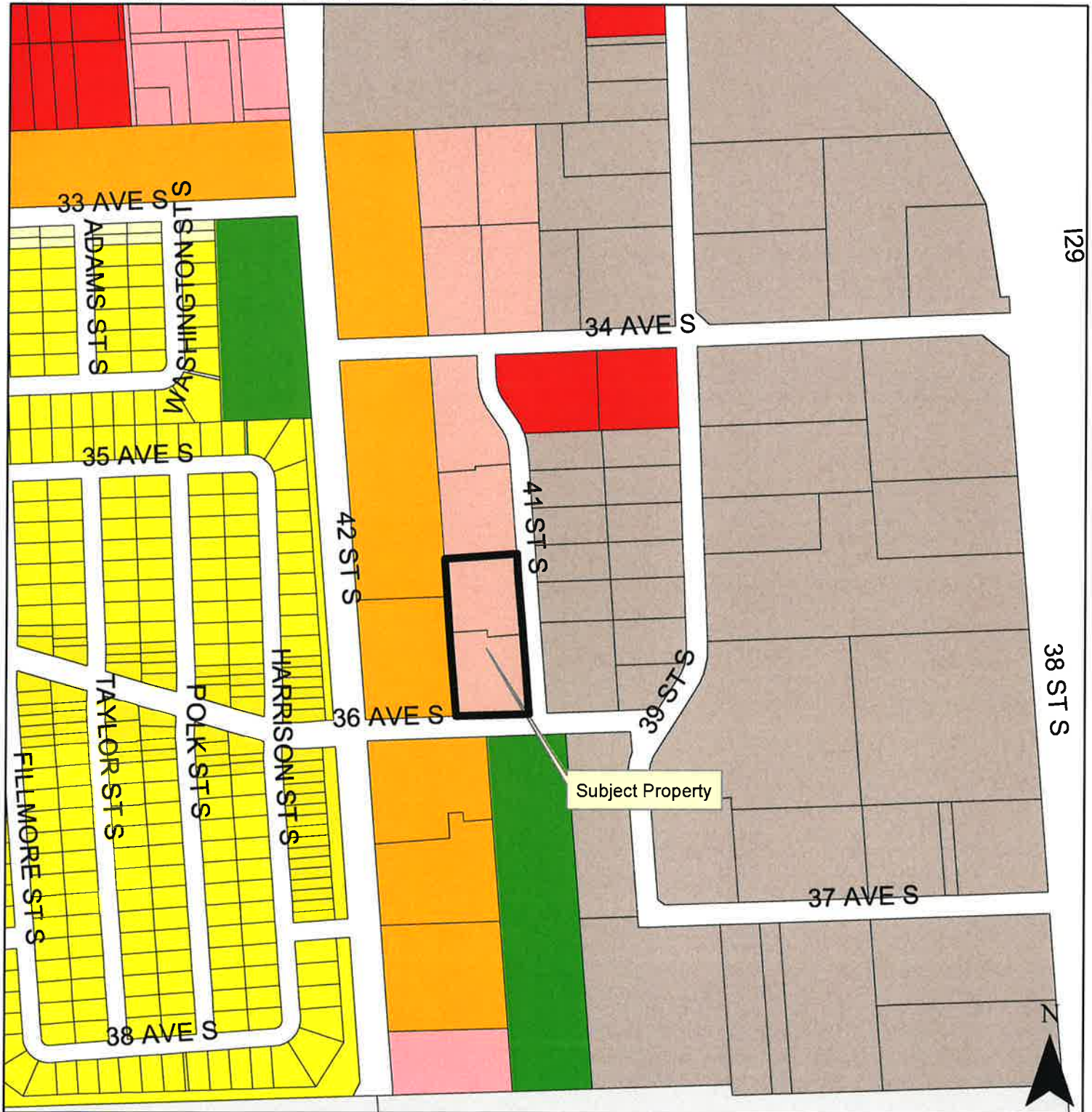
While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.

(Criteria Satisfied)
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of Planning Commission and staff and hereby waive the requirement to receive the zoning Ordinance one week prior to the first reading and place the zoning Ordinance on for first reading and move to approve the proposed 1) zoning map amendment from MR-2, Multi-Dwelling Residential to LC, Limited Commercial and 2) Asleson Farms Fourth Addition subdivision, as the proposal satisfactorily complies with the 2003 Southwest Future Growth Plan, Standards of Article 20-06, Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC."
Planning Commission Recommendation: February 2, 2021
On February 2, 2021, by a vote of 6-0 with three Commissioners absent and two seats vacant, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) zoning map amendment from MR-2, Multi-Dwelling Residential to LC, Limited Commercial and 2) Asleson Farms Fourth Addition subdivision, as the proposal complies with the 2003 Southwest Future Growth Plan, the Standards of Article 20-06, Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC.
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat

Zone Change (MR-2 to LC) & Plat (Minor)

Asleson Farms Fourth Addition

3523 & 3575 41st St S



Legend

AG	LC	MHP	SR
GO	MR-1	NC	SR-2
MR-2	MR-3	UML	City Limits

500

Feet

Fargo Planning Commission

February 2, 2021

Zone Change (MR-2 to LC) & Plat (Minor)

Asleson Farms Fourth Addition

3523 & 3575 41st St S



ASLESON FARMS FOURTH ADDITION

OWNERS CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the JMS Properties, LLC, a North Dakota Limited Liability Company, is the owner of Lot 4 and a part of Lot 3, Block 1 of Asleson Farms Fourth Addition to the City of Fargo, Cass County, North Dakota, being more particularly described as follows:

All of Lot 4 and that part of Lot 3, Block 1 of Asleson Farms Third Addition, according to the recorded plat substantially as the line of record in the Office of the County Recorder, Cass County, North Dakota lying southerly of the following described line:

Commencing at the northeast corner of said Lot 3; thence on an assumed bearing of South 84 degrees 27 minutes 11 seconds East on the east line of said Lot 3 a distance of 17.05 feet to the point of beginning of the line to be described; thence South 85 degrees 34 minutes 15 seconds West a distance of 775.18 feet to the west line of said Lot 3 and said line then terminating

Containing 3.71 acres, more or less.

Said extent of the above described property, have caused the same to be surveyed and platted as "ASLESON FARMS FOURTH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
JMS Properties, LLP

Nicholas C. Dierckx
Nicholas C. Dierckx, Partner
State of North Dakota)
County of Cass) SS

On this 25th day of January, 2021, appeared before me, Nicholas C. Dierckx, Partner, JMS Properties, LLP, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate, and acknowledged to me that they executed the same as their own free act and deed.

Wm. Austin Nelson
Wm. Austin Nelson, Notary Public
Notary Public, Cass County, North Dakota

State of North Dakota)
County of Cass) SS

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County of Cass) SS



CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this 2nd day of February, 2021.

John Gulikstein
John Gulikstein
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this 1st day of February, 2021, before me, a notary public in and for said county, personally appeared John Gulikstein, Planning Commission Chair, known to me to be the person who executed the same as a free act and deed.

Wm. Austin Nelson
Wm. Austin Nelson, Notary Public
Notary Public, Cass County, North Dakota

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County of Cass) SS

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Notary Public, Cass County, North Dakota

Mead & Hunt
MEAD & HUNT
701-586-5650
mead@meadandhunt.com

PROJECT NO.
4289700-201242-01
SHEET 1 OF 1

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2802

1 AN ORDINANCE REZONING A CERTAIN PARCEL
2 OF LAND LYING IN ASLESON FARMS FOURTH ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in the proposed Asleson Farms Fourth Addition to the City of Fargo, Cass
7 County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on February 2, 2021; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on April 19,
11 2021,

12 NOW, THEREFORE,

13 Be It Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. The following described property:

15 Lot One (1), Block One (1) of Asleson Farms Fourth Addition to the City of Fargo,
16 Cass County, North Dakota;

17 is hereby rezoned from "MR-2", Multi-Dwelling Residential, District to "LC", Limited
18 Commercial, District.

19 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
20 office so as to conform with and carry out the provisions of this ordinance.
21
22
23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2
3 Section 3. This ordinance shall be in full force and effect from and after its passage and
4 approval.

5
6 (SEAL)

Timothy J. Mahoney, M.D., Mayor

7 Attest:

8
9
10 _____
11 Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

**PLANNING AND DEVELOPMENT**

225 4th Street North
Fargo, North Dakota
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.fargond.gov

MEMORANDUM

TO: City Commission

FROM: Nicole Crutchfield, Planning Director 

DATE: April 14, 2021

RE: Renaissance Zone Application for HighRoad Properties LLC (323-F) located at 209 and 211 Northern Pacific Avenue

The city received a Renaissance Zone (RZ) application from HighRoad Properties LLC to rehabilitate the existing building at 209 and 211 Northern Pacific Avenue. The request was reviewed by the Renaissance Zone Authority (RZA) on March 24, 2021.

Pursuant to the application, project proposes to renovate the existing building with new HVAC, plumbing and electrical, as well as fit up the main floor for an office space and a large condo unit on the second floor. The construction would begin spring of 2021 and the proposed timeframe of completion of early fall 2021.

Attached is a copy of the staff report and corresponding materials.

As indicated in the attached documentation, the project met all state and local requirements for approval and is consistent with a number of goals and objectives as established in the Fargo Renaissance Zone Development Plan. The application indicates an investment of nearly \$2,115,000 which exceeds the minimum investment threshold as set forth in the plan.

The RZA unanimously recommended approval of this project.

Recommended Action: Approve the Renaissance Zone rehabilitation application for HighRoad Properties LLC and grant state income tax and property tax exemptions as recommended by the Renaissance Zone Authority.





**Renaissance Zone Staff Report for
HighRoad Properties LLC (323-F)
209 and 211 Northern Pacific Avenue**

Project Evaluation:

The City of Fargo received a Renaissance Zone application from HighRoad Properties LLC to renovate the existing building at 209 and 211 Northern Pacific Avenue. Pursuant to the application, project proposes to renovate the existing building with new HVAC, plumbing and electrical, as well as fit up the main floor for an office space and a large condo unit on the second floor.

The construction would begin spring of 2021 and the proposed timeframe of completion of early fall 2021.

The Planning Department has reviewed the application and has provided a project ranking based on the analysis below:

1. **Renaissance Zone Plan Goals:** Use consistent with the RZ Plan (as per Visions and Goals): As noted in the 2019 Renaissance Zone Development Plan. *(responses are from applicant for item 1)*
 - a. *Grow as a Neighborhood:* Invest in housing to increase the population living Downtown and maintain Downtown's diversity.
This project will create one new condominium unit for the owner of the building.
 - b. *Prosper as a Business Center:* Increase the number and types of jobs Downtown.
The main floor will be occupied by Highroad Partners which is currently located in Moorhead and employee 12 employees, the business will be relocating to this building and has room and plans to expand to at least 20 employees.
 - c. *Thrive as a Destination:* Create a unique Downtown experience with an activated riverfront and vibrant sidewalks and public spaces that serve as the backdrop of the community's social life.
The owner will enhance the storefront by removing multiple entrances into the building and replacing them with windows to create a more comfortable walking experience along NP Avenue. Staff acknowledges that the owner is rehabilitating the existing building, which has a zero lot line setback and has 100% building coverage as allowed in the Downtown Mixed Use Zoning district.
 - d. *Be a model for Inclusive Growth and Development:* Protect Downtown's diversity and evolve as a model for equitable growth and development.
The building will house an insurance agency that serves several different client bases including clients for medi-care.
 - e. *Complete our Streets:* Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.
In addition to renovating the building at 209 and 211 NP Avenue, the owner is also purchasing 213 NP Avenue which he will create additional off street parking that is currently not available in the area. The building is close enough to food and other services for the employees and residents to walk to.
 - f. *Park Smart:* Manage parking resources to meet the needs of drivers, while also making room for new development and activity.
The adjacent property will create enough parking spaces to serve all of the new employees. The project also includes a garage that will be utilized by the residents.

- g. *Play with purpose*: Develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater).
N/A

(14/20 points)

2. **Investment Thresholds**: Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan?

According to the application, the structure accommodates 11,200 square feet, as follows:

- *Proposed Building Total*: approximately 11,200 SF
 - *Commercial*: approximately 5,916 SF
 - *Residential*: approximately 3,834 SF Condominium
 - *Parking*: approximately 771 SF (2 stall garage)
- *Remaining SF includes ancillary space, such as amenities, lobbies, corridors, elevators, etc.*

Overall, the application estimates a total capital investment of \$2,115,000, a \$977,500 investment for the commercial space and a \$987,500 investment for the residential space. This equates to roughly a \$165.22 investment per square foot on the commercial space and a \$257.56 investment per square foot on the residential space.

(10/10 points)

3. **High Priority Land Use**: The new construction or proposed improvements are representative of “High Priority Land Uses” as defined by this RZ Plan (page 9).

- a. *Primary Sector Business*:
HighRoad Partners Insurance will be relocating from their current space in Moorhead, MN into the main floor of the building.
- b. *Active Commercial, Specialty Retail or Destination Commercial*:
N/A
- c. *Mixed Use Development*:
The building will consist of commercial spaces and a condominium

(17/20 points)

4. **Targeted Areas**: Is the investment located in a “Targeted Area” as defined by this RZ Plan? Consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

- a. *Parcels that have been vacant or underutilized for an extended period of time*:
The subject property has commercial businesses on the main floor and the second floor had apartments which according to the applicant have been unlivable.
- b. *Parcels specifically targeted for clearance*:
The RZ Plan identifies Block 16 for: Clearance and Redevelopment

(10/10 points)

5. **Urban Design**: Is the project representative of strong urban design principles?

The project embodies strong urban design principles, including density, form, materials, and proximity/adjacency to amenities. The design contemplates the interface of the structure to the right-of-way.

The building will keep its original storefront design but will add more windows on the main floor as well be refurbished. The project is located within the DMU, Downtown-Mixed Use zoning district and will have to meet the architectural intent of that zoning district requirements as well.

(10/10 points)

6. **Investment Analysis:** Consideration and analysis as to the total actual investment.

As proposed, the redevelopment project and improvement costs significantly exceed both the 50% (true and full value of the building) and \$40 per square foot requirement for commercial rehabilitation. The project also exceeds the 20% (true and full value of the building) and \$25.00 per square foot requirement for residential rehabilitation. As previously noted, the application represents a total estimated investment of \$2,115,000, a \$977,500 investment for the commercial space and a \$987,500 investment for the residential space. This equates to roughly a \$165.22 investment per square foot on the commercial space and a \$257.56 investment per square foot on the residential space.

(10/10 points)

7. **Business Relocation:** Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community?

The project will relocate one commercial business from Moorhead, MN.

(10/10 points)

8. **Street Activation:** Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?

Renaissance Zone projects are anticipated to be conscience of four-sided design, which has been seen with other projects within the downtown, this project will be a rehabilitation of an existing building. The owner is proposing to add new windows along the western side of the property as well as replace all existing windows. The storefront will be updated as to fit in with the historical feel of downtown Fargo.

(7/10 points)

Summary:

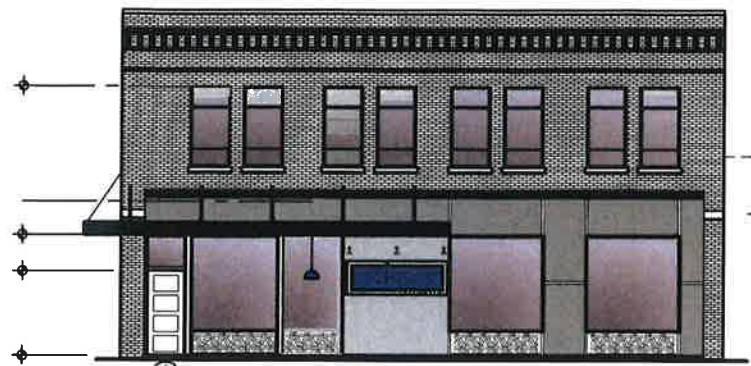
This application received a score of 88 on a 100-point scale. The applicant met criteria and the use is consistent with the RZ Plan. In addition, the proposed new construction project surpasses the local capital improvement requirement of \$40 per square foot requirement for commercial rehabilitation and \$25.00 per square foot requirement for residential rehabilitation. The amount invested in the project exceeds state and local guidelines. The project does not involve the relocation of commercial businesses from another North Dakota city. The applicant will not be seeking any historic preservation tax credits. This project will make use of a lot that is currently underutilized.

Staff believes that this project will be a benefit to the downtown community and will positively contribute to the health of surrounding neighborhood and nearby businesses and is recommending approval.

Suggested motion:

Recommend approval to the Fargo City Commission to approve the application submitted by HighRoad Properties LLC and to grant the property tax exemption and the State income tax exemptions as allowed by the ND Renaissance Zone law contingent upon completion of the project and verification of costs.

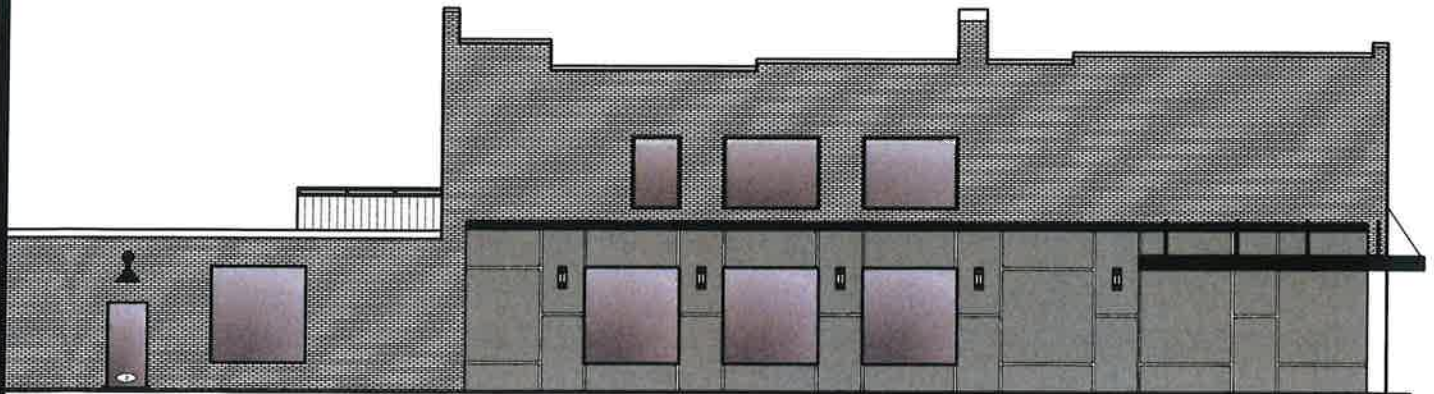
Minimum Criteria (New Construction Proposals)			
Criteria:		Staff Rating	Possible Points
1	Use consistent with the plan (as per Vision and Goals)	14	20
2	Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in the RZ Plan?	10	10
3	<p>The new construction or proposed improvements are representative of “High Priority Land Uses” as defined in the RZ Plan:</p> <ul style="list-style-type: none"> • Primary sector business, industry and talent-dependent Enterprises • Active Commercial, Specialty Retail and/or Destination Commercial • Mixed use development (combination of housing, commercial, and/or retail uses in a horizontal or vertical fashion) 	17	20
4	<p>The investment is located in a ‘Target Area’ as defined by the RZ Plan:</p> <ul style="list-style-type: none"> • Parcels that have been vacant or underutilized for an extended period of time • Parcels specifically targeted for clearance 	10	10
5	Is the project representative of strong urban design principles?	10	10
6	Consideration and analysis as to the total actual investment in the project: Consideration can be given for the level of capital investment in a project. (i.e., additional consideration can be given for higher levels of investment)	10	10
7	<p>Consideration as to whether the project will include or accommodate the relocation of a business from another North Dakota community:</p> <ul style="list-style-type: none"> • Commercial tenants that are re-locating within the Downtown Area (as defined by the 1996 Downtown Area Plan) are not eligible for tax incentives without special approval from the Zone Authority • Commercial tenants that are relocating from a North Dakota community (other than Fargo) to the Fargo Renaissance Zone are not eligible for tax incentives without special approval from the Zone Authority. 	10	10
8	Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective?	7	10
Total Rating (100 possible points)		88	100



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SCALE: 1/16"=1'-0"

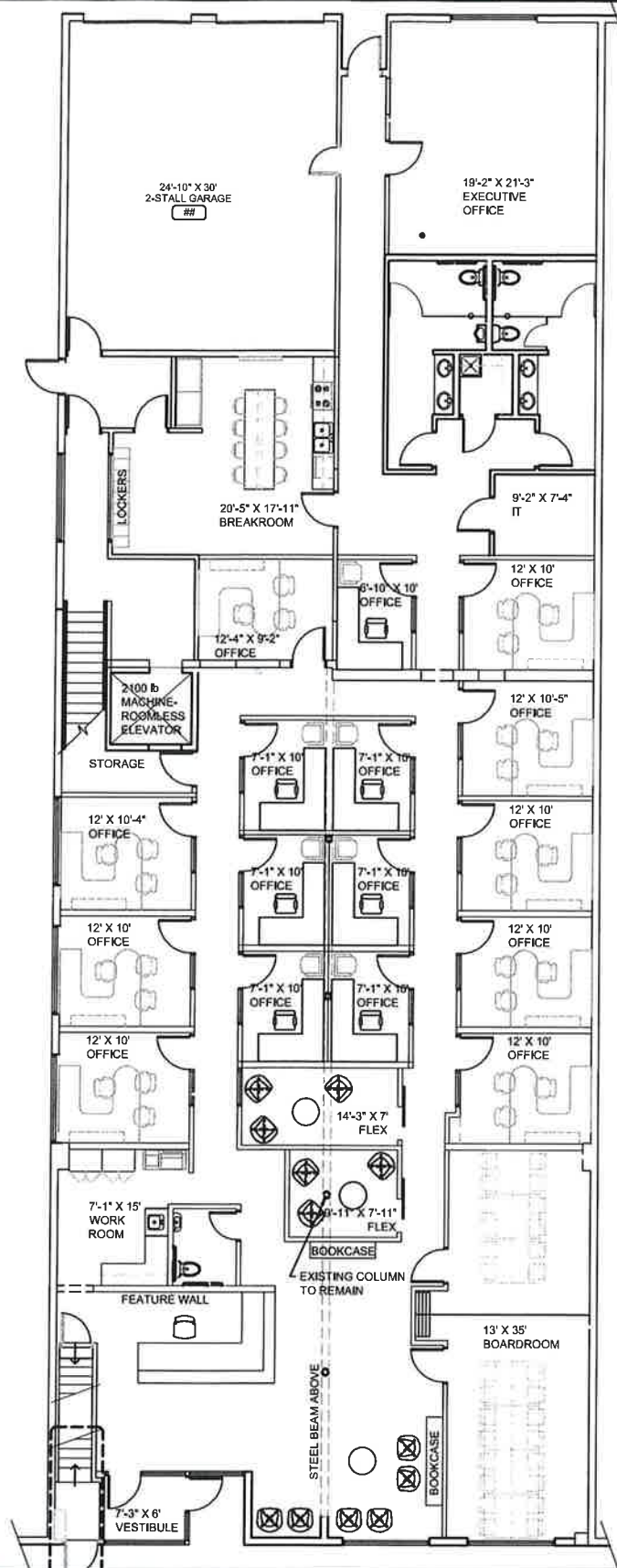
DATE: 2.22.21

PROJECT NO.
DD 20-044

HIGH ROAD
209 NP AVE
Fargo, ND



Dovetail Development, LLC
2280 45th Street S, Suite 202
Fargo, ND 58104
elissa@dovetail-dvpt.com
ph. 701.866.3506



SCALE: 1/16"=1'-0"

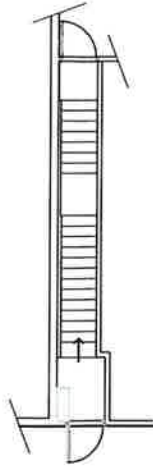
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PROJECT NO.
DD 20-044

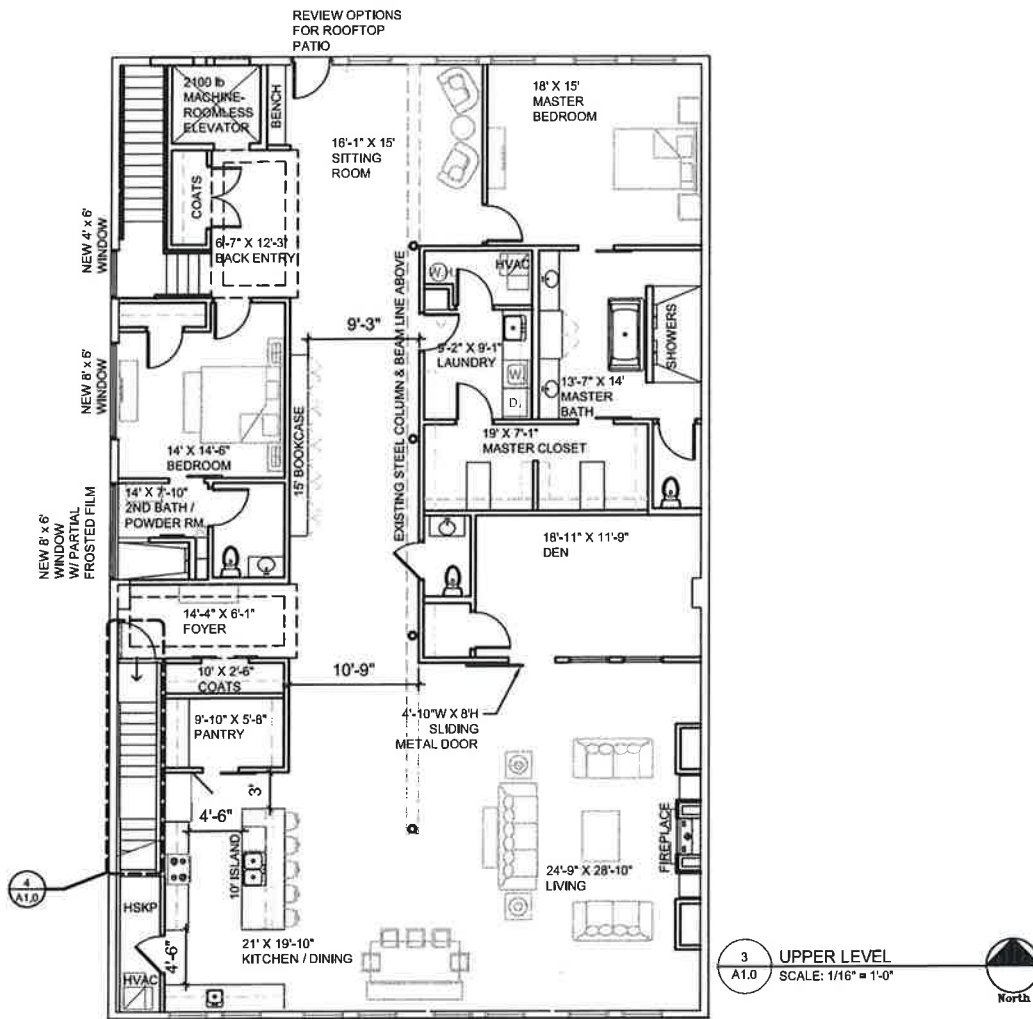
HIGH ROAD
209 NP AVE
Fargo, ND



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4 EXISTING STAIRWELL
A1.0 SCALE: 1/16" = 1'-0"



SCALE: 1/16"=1'-0"

DATE: 2.22.21

PROJECT NO.
DD 20-044

KOMMER RESIDENCE
209 NP AVE
Fargo, ND



Dovetail Development, LLC
2280 45th Street S, Suite 202
Fargo, ND 58104
elissa@dovetail-dvpt.com
ph. 701.866.3506

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: APRIL 1, 2021

SUBJECT: EMERGENCY DECLARATION TERMINATION (COVID-19 PANDEMIC)

On March 16, 2020, I signed an emergency declaration in accordance with Fargo Municipal Code 10-0318 pertaining to the COVID-19 Pandemic. The City Commission voted to extend this emergency declaration at its April 6, 2020 meeting until such time as the emergency conditions no longer exist or is otherwise terminated by the Board of City Commissioners.

Collectively, we share a belief that emergency declarations should only be utilized when absolutely necessary. Accordingly, in consideration of our area's strong vaccination rates, availability of vaccines to members of the public, decreased hospitalizations, low fatalities, wastewater testing and discontinuance of the mask mandate, I am recommending a termination of the COVID-19 Pandemic Emergency Declaration as of 12:01 a.m. on Tuesday, April 6.

I have requested the City's Human Resources Department and City Attorney's Office to collaboratively prepare a temporary employment policy related to COVID-19 Pandemic overtime. This policy has been placed on this evening's agenda for your consideration.

It is very important that the temporary employment policy's approval coincides and fully syncs with the emergency declaration termination to ensure no gap exists which would prevent our employees from receiving the appropriate compensation for time they are working related to pandemic-related activities.

I appreciate your consideration of these recommendations as we continue to work towards a new normal in Fargo.

SUGGESTED MOTION: To concurrently terminate the COVID-19 Pandemic Emergency Declaration in conjunction with the integration of a temporary employment overtime policy related to COVID-19, effective at 12:01 a.m. on April 6, 2021.

296

(30)

FINANCE OFFICE

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TO: BOARD OF CITY COMMISSIONERS
FROM: KENT COSTIN, DIRECTOR OF FINANCE *KAC*
RE: AUTHORIZE ISSUANCE OF REFUNDING IMPROVEMENT BONDS SERIES 2021A
DATE: APRIL 13, 2021

The City of Fargo will be issuing Refunding Improvement Bonds on April 19, 2021. Series 2021A is new money bond issue to reimburse our capital project fund for completed projects from the 2020 CIP. Special assessments that will be levied in 2021 with first collections in 2022 will be pledged to repay this issue.

Our bond counsel, Dorsey & Whitney prepared resolutions that require your approval. These resolutions authorize the issuance of the bonds, special assessment warrants and the establishment of a debt service fund for Series 2021A.

Terri Heaton, our financial advisor from Baker Tilly will attend the meeting virtually to review the sale results and to field questions about the sale, if any.

We are still in a low interest environment so we are expecting great interest rates for this issue.

Suggested Motion:

Accept the low bid for the bond issue approving resolutions authorizing the issuance of the bonds, special assessment warrants and the establishment of a debt service fund for the Refunding Improvement Bonds Series 2021A.

RESOLUTION DIRECTING THE ISSUANCE OF \$[PAR] REFUNDING
IMPROVEMENT BONDS, SERIES 2021A AND PRESCRIBING THE
TERMS AND COVENANTS THEREFOR

WHEREAS, the City Commission (the "Commission"), of the City of Fargo, Cass County, North Dakota (the "Issuer") has heretofore duly created the improvement districts as set forth in **Attachment A** hereto (the "Improvement Districts"), authorized the issuance of certain definitive warrants of the Issuer (the "Warrants") for each such Improvement District in the amounts set forth in **Attachment A** hereto for the construction of improvements in the related Improvement District (the "Improvements") and established special funds for each Improvement District (the "Special Funds"; each a "Special Fund");

WHEREAS, the Issuer desires to issue a series of its refunding improvement bonds (the "Bonds") to finance the Improvements;

WHEREAS, the Issuer is authorized by North Dakota Century Code Chapter 40-27 (the "Act") to issue such Bonds;

WHEREAS, the Issuer desires to provide for the payment of such refunding improvement bonds through a pledge of the Warrants;

WHEREAS, such Bonds shall be payable solely out of moneys in the Special Funds from which the Warrants are payable;

WHEREAS, pursuant to North Dakota Century Code Section 40-26-08, whenever all special assessments, revenues and taxes, if any, appropriated and theretofore collected for an Improvement are insufficient to pay principal or interest then due on the related Warrants, the Issuer shall levy a tax upon all of the taxable property in the Issuer for the payment of such deficiency; and

WHEREAS, in and by the resolution adopted by the Issuer on this date, entitled "RESOLUTION SELLING, ESTABLISHING TERMS AND DIRECTING ISSUANCE OF DEFINITIVE IMPROVEMENT WARRANTS ON THE FUNDS OF CERTAIN IMPROVEMENT DISTRICTS, AND PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS" the Issuer has issued Warrants in the aggregate principal amount of \$[PAR] payable from the Special Funds of the respective Improvement Districts, subject to the terms, provisions and covenants set forth in the resolution, which resolution is incorporated herein and made a part hereof;

BE IT RESOLVED by the Commission of the Issuer, as follows:

1. **Findings.** It is hereby found, determined, and declared that said Warrants were duly and legally authorized under authority of and in accordance with the provisions of Title 40 of the North Dakota Century Code, as amended; that there is not at the present time in the Special Funds sufficient money to pay the Warrants drawn thereon with interest, and by the exchange of said Warrants for the Bonds the interest rate and interest costs thereon will be substantially reduced, and the general tax which the Issuer may become obligated to levy for any deficiencies in said funds can be reduced and equalized, and the burden on the taxpayers and property owners will be

substantially reduced; that said Warrants are subject to exchange at the option of the Issuer for the purpose of issuing refunding improvement bonds or warrants of the Issuer in accordance with the provisions of Chapter 40-27, North Dakota Century, Code; that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen, and to be performed precedent to the issuance of the Bonds hereinafter described have been done, do exist, have happened, and have been performed in due form, time and manner as so required; and that the issuance of the Bonds is necessary and expedient and for the best interest of the Issuer and its inhabitants, taxpayers, and the owners of property liable to be assessed for said Improvements.

2. Sale of Bonds; Award. Pursuant to the Official Terms of Offering and Official Statement prepared on behalf of the Issuer by Baker Tilly Municipal Advisors, LLC, St. Paul, Minnesota, sealed proposals for the purchase of the CITY OF FARGO REFUNDING IMPROVEMENT BONDS, SERIES 2021A (the "Bonds") were received at or before the time specified for receipt of proposals. The proposals have been opened, publicly read and considered, and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of [] (the "Purchaser"), to purchase the Bonds in a principal amount of \$[PAR] at a price of \$[]. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Auditor are hereby authorized and directed to execute a contract on behalf of the Issuer for the sale of the Bonds in accordance with the official terms of offering and the Official Statement. The good faith deposit of the Purchaser shall be retained and deposited by the Issuer until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement.

3. Form of Bonds. The Bonds shall be in substantially the form attached as **Attachment B** hereto.

4. Terms, Execution and Delivery.

(a) Maturities; Interest Rates; Denominations and Payment. The Bonds shall be dated originally as of [May 20], 2021, shall be in the denomination of \$5,000 each or any integral multiple thereof, of single maturities, shall mature on May 1 in the years and amounts stated below, and shall bear interest from date of original issue until paid or duly called for redemption at the respective annual rates stated opposite their maturity years:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
<u> </u>	\$	%		\$	%

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof shall be payable by check or draft issued by the Registrar described herein, provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 13 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

(b) Dates and Interest Payment Dates. Each Bond shall bear a date of original issue as of the date on which the Bonds are delivered to the Purchaser. Upon initial delivery of the Bonds pursuant to Section 8 and upon any subsequent transfer or exchange pursuant to Section 5, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on each May 1 and November 1, commencing May 1, 2022, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a business day.

(c) Redemption. Bonds maturing on May 1 in the years 2022 through 2025 will not be subject to payment in advance of their respective stated maturity dates.

Bonds maturing on May 1 in the years 2026 through 2028 are subject to optional redemption on or after May 1, 2025 at a price of par plus accrued interest to the date of redemption.

Bonds maturing on May 1 in the years 2029 through 2031 will not be subject to payment in advance of their respective stated maturity dates.

Bonds maturing on May 1 in the years 2032 through 2046 are subject to optional redemption on or after May 1, 2030 at a price of par plus accrued interest to the date of redemption.

The Bonds maturing in the years [] and [] shall be known as Term Bonds. The Term Bonds are subject to mandatory sinking fund redemption in part at a Redemption Price equal

to 100% of the principal amount thereof, together with accrued interest to the Redemption Date on May 1 of the following years and in the following principal amounts:

<u>Term Bonds Maturing on May 1, 20[]</u>		<u>Term Bonds Maturing on May 1, 20[]</u>	
<u>Redemption Date</u> <u>(May 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Redemption Date</u> <u>(May 1)</u>	<u>Principal</u> <u>Amount</u>
	\$		\$
*		*	
<u>*Maturity</u>		<u>*Maturity</u>	

In the event any Bond is called for redemption prior to maturity, the Issuer will cause a notice of redemption to be sent to the Bond Registrar, Paying Agent and the registered owners of the Bonds called for redemption at least twenty (20) days before the date specified for redemption at the address shown on the registration books of the Bond Registrar. Within ten (10) days before the thirtieth (30th) day prior to any specified redemption date, if less than all Bonds of a single maturity are to be redeemed the Bond Registrar will select for redemption (by lot or in such manner as the Bond Registrar may determine) from all outstanding Bonds of the applicable maturity a principal amount of such Bonds equal to the aggregate principal amount of such Bonds to be redeemed, and will call such Bonds or portions thereof for redemption on such Redemption Date, provided that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof and that in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all Bonds are to be optionally redeemed, the maturity or maturities of the Bonds to be redeemed shall be selected by the Issuer.

(d) Initial Registrar. Books for the registration and for the transfer of the Bonds as provided in this Resolution shall be kept by the City Auditor of the Issuer, which is hereby appointed the Bond Registrar, Transfer Agent and Paying Agent (the "Registrar").

5. Transfer and Exchange. The Bonds are transferable upon the books of the Issuer at the principal office of the Bond Registrar by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney, and may also be surrendered in exchange for Bonds of the same series of other authorized denominations. Upon such transfer or exchange the Issuer will cause a new Bond or Bonds of the same series to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the 15 days next preceding an interest payment date, nor during the 45 days next preceding the date fixed for redemption of such Bonds.

The Issuer and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

6. Bonds Mutilated, Destroyed, Lost, or Stolen. If any Bond shall become mutilated or be destroyed, lost, or stolen, the Issuer in its discretion may execute and upon its request, the Bond Registrar shall authenticate and deliver a new Bond of the same series in exchange for the mutilated Bond or in lieu of and substitution for the Bond so destroyed, lost, or stolen. In every case of exchange or substitution, the applicant shall furnish to the Issuer and to the Bond Registrar in a form satisfactory to both (i) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the applicant's Bond and of the ownership thereof and (ii) in the case of any destroyed, lost, or stolen Bond, such security or indemnity as may be required by them to save each of them harmless from all risks, however remote. The Bond Registrar may authenticate any Bond issued upon such exchange or substitution and deliver such Bond, and upon the request of the Issuer may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees, of the Issuer or the Bond Registrar.

If any Bond that has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, instead of issuing a Bond in exchange or substitution therefor, the Issuer may pay or authorize the payment of such Bond (without surrender thereof except in the case of a mutilated Bond) if the applicant for such payment shall furnish to the Issuer and to the Bond Registrar evidence to the satisfaction of the Issuer and the Bond Registrar of the mutilation, destruction, loss, or theft of such Bond and the ownership thereof and, in the case of any destroyed, lost, or stolen Bond, such security or indemnity as they may require to save them harmless from all risks.

Every Bond issued pursuant to the provisions of this Section in exchange or substitution for any Bond of the same series that is mutilated, destroyed, lost, or stolen shall constitute an additional contractual obligation of the Issuer, whether or not the destroyed, lost, or stolen Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with any and all other Bonds. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the respect to the replacement or payment mutilated, destroyed, lost, or stolen Bonds, and shall preclude any and all other rights or remedies, notwithstanding any law or statute existing or hereafter enacted to the contrary with respect to the replacement or payment of negotiable instruments or other securities without their surrender.

7. Cancellation and Disposition of Bonds. All mutilated Bonds, all Bonds surrendered for exchange or transfer, all Bonds that have been paid at maturity or upon prior redemption, and all Bonds surrendered to the Issuer for cancellation shall be canceled by the Bond Registrar.

8. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Auditor and shall be executed and authenticated on behalf of the Issuer by the signatures of the Mayor and the City Auditor. All signatures may be printed, lithographed or engraved facsimiles of the original. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond,

such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared and executed, the Issuer shall deliver the same to the Purchaser in exchange for the Warrants of the Improvement Districts in the same aggregate principal amount, heretofore purchased by the Purchaser, and the Issuer shall pay to the Purchaser the interest accrued to the date of exchange of said Warrants less the amount of interest accrued to said date on the Bonds, all in accordance with the agreement heretofore made and entered into relative to the refunding of the Warrants, which agreement is hereby approved, ratified and confirmed.

In the event of the absence or unavailability of the Mayor, the City Auditor, or other appropriate officer of the City, the Bonds and the other documents authorized for execution and delivery pursuant to this section may be executed and delivered by the individual or individuals authorized generally by the City to act on behalf of the Mayor, the City Auditor, or other officer of the Issuer in such circumstances, including, without limitation, the Deputy Mayor and the Deputy City Auditor, as the case may be.

9. Establishment of Bond Fund. There shall be and is hereby created a special fund to be maintained by the City Auditor separate and apart from all other funds of the Issuer, to be designated as the SERIES 2021A REFUNDING IMPROVEMENT BOND FUND (herein referred to as the "Bond Fund"). To the Bond Fund shall be credited the Warrants when received by the City Auditor, which Warrants shall thereupon become and shall thereafter be held as an asset of said fund, and the proceeds of all collections on said Warrants so acquired shall be held by the Issuer in trust for the use and benefit of the holders from time to time of the Bonds to the extent such Warrants remain outstanding. The Special Funds of the Improvement District described in the resolution referred to in paragraph 1 hereof shall be continued, and payments shall be made therefrom on the Warrants drawn thereon in the same manner as though said Warrants had not been exchanged. All payments of principal and interest made on said Warrants shall be credited to the Bond Fund and shall be used and applied in payment of the principal of and interest on the Bonds as such principal and interest become due.

10. Covenants. The Issuer hereby covenants and agrees with the holders from time to time of the Bonds issued pursuant hereto:

(a) That it will use due diligence to collect all amounts due on the Warrants and to levy and collect the special assessments, revenues, and taxes, if any, appropriated for their payment.

(b) That it will preserve and enforce for the benefit of the holders from time to time of the Bonds all of the rights, powers, and privileges reserved, to the holders of the Warrants, and all of the covenants of the Issuer as provided in the resolution authorizing the issuance of the Warrants.

(c) That at the time and in the manner prescribed by § 40-26-08, North Dakota Century Code, as amended, this governing body will levy general taxes on all taxable property in the corporate limits of the Issuer for the payment of any deficiency in any Special Fund and will cause the proceeds thereof to be applied in payment of the principal of and interest on the then unpaid Warrants drawn on said Special Fund, provided that the Issuer reserves the right to levy taxes in the manner and to the extent permitted by law for payment and discharge of any deficiency in said Special Funds prior to the date upon which it may become obligatory to levy such deficiency taxes, and the amounts thereof shall be credited against the levies which the Issuer might otherwise have been obligated to make.

(d) That in the event the moneys in the Bond Fund should at any time be insufficient to meet all payments of principal and interest then due on the Bonds, said moneys shall be first used to pay the interest accrued on all outstanding Bonds, and the balance shall be applied in payment of the principal of said Bonds in order of their maturity dates, earliest maturities first, Bonds bearing the same maturity dates being paid pro rata. The Issuer reserves the right and privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new bonds payable from said Bond Fund, which bonds shall be on a parity with those theretofore issued as to interest charges thereon, but the maturity thereof shall be subsequent to the maturity of all Bonds payable from said fund and then outstanding, provided that no holder of Bonds herein authorized to be issued shall be obligated to accept any such bond in exchange for any of such matured Bond.

(e) The Issuer hereby reserves the right to issue additional improvement warrants and refunding improvement bonds, payable on a parity with the Bonds issued hereunder and the Warrants exchanged for the Bonds, to the extent required to complete the Improvements presently proposed for the Improvement Districts and to be financed by the issuance of the additional improvement warrants exchanged for additional revenue bonds.

(f) The Issuer hereby pledges all Warrants and the payments thereon to the payment of the principal of, and interest on, the Bonds.

11. Payment and Discharge; Defeasance. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution shall cease. The Issuer may discharge its obligations with respect to all or a portion of the Bonds which are due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment of the principal thereof, and interest accruing thereon to such duty in full. If any Bond shall not have been paid when due, the same may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment of the principal thereof in full with interest accrued thereon from the date to which interest has been paid to the date of such deposit and payment to the owners thereof. The Issuer may also discharge its obligations with respect to all or a portion of the Bonds, by depositing with the Paying Agent on or before that date an amount equal to the principal, interest and redemption premium, if any, which are due on the maturity date, or earlier redemption date selected by the Issuer, provided that notice of such redemption has been duly given as provided herein. The Issuer may also at any time discharge its obligations with respect to all or a portion of the Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or financial institution qualified by law as an escrow agent for this purpose, cash or securities

which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be sufficient to pay all principal, interest, and redemption premium to become due thereon to maturity or the date of earlier redemption selected by the Issuer. If less than all of the Bonds are to be discharged pursuant to this paragraph, the maturity date, the mandatory sinking fund redemption requirement with respect to Term Bonds, and series may be selected by the Issuer in its sole discretion.

12. Authentication of Transcript. The officers of the Issuer are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and certificates, including any heretofore furnished, shall be deemed representations of the Issuer as to the correctness of all statements contained therein.

13. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the Issuer may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the Issuer shall be affected by any notice to the contrary. Neither the Registrar nor the Issuer shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to

the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the Issuer to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the Issuer determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the Issuer may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Issuer is hereby confirmed and ratified.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates. Any successor depository must be both a "clearing corporation" as defined in North Dakota Century Code, Section 41-08-02 and a qualified and registered "clearing agency" as provided in Section 17A of the Securities Exchange Act of 1934, as amended.

14. Tax Covenants; Arbitrage Matters; Reimbursement and Continuing Disclosure.

(a) Tax Covenant. The Issuer covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and Regulations, Amended

Regulations, and Proposed Regulations issued thereunder (the "Regulations"), as now existing or as hereinafter amended or proposed and in effect at the time of such action.

(b) Arbitrage Certification. The Mayor and the City Auditor, being the officers of the Issuer charged with the responsibility for issuing the Bonds pursuant to this resolution, are authorized and directed to execute and deliver a certificate in accordance with the provisions of the Code and applicable Regulations stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

(c) Rebate. The Issuer acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The Issuer covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes, unless the Bonds qualify for one of the exceptions from the rebate requirement under Section 1.148-7 of the Regulations and no "gross proceeds" of the Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof. In furtherance of the foregoing, the City Auditor is hereby authorized and directed to execute a Rebate Certificate, in the form prescribed by Bond Counsel, and the Issuer hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

(d) Not Qualified Tax Exemption Obligations. The Bonds are not designated as "qualified tax-exempt obligations" for purpose of Section 265(b) of the Code.

(e) Reimbursement. The Issuer certifies that the proceeds of the Bonds will not be used by the Issuer to reimburse itself for any expenditure with respect to the Improvements which the Issuer paid or will have paid prior to the issuance of the Bonds unless, with respect to such prior expenditures, the Issuer shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Improvements meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Improvements as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

(f) Continuing Disclosure. The City Auditor is hereby authorized to execute, on behalf of the Issuer, the Continuing Disclosure Certificate in a form substantially similar to that attached as **Attachment C** hereto, which is hereby incorporated herein and made a part hereof.

(g) Official Statement. The form of Official Statement relating to the Bonds prepared and distributed on behalf of the Issuer by Baker Tilly Municipal Advisors, LLC, is hereby approved, and the officers of the Issuer are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency thereof.

Mayor

Attest:

City Auditor

COMMISSIONER _____ introduced the following resolution and moved its adoption. The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof:

COMMISSIONERS _____.

The following were absent and not voting: _____,
and the following voted against the same: _____,
whereupon the resolution was declared duly passed and adopted.

CERTIFICATE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

I, Steven Sprague, the duly appointed City Auditor of the City of Fargo, North Dakota, do hereby certify that the preceding resolution attached hereto is a full, true, and correct copy of the RESOLUTION DIRECTING THE ISSUANCE OF \$[PAR] REFUNDING IMPROVEMENT BONDS, SERIES 2021A AND PRESCRIBING THE TERMS AND COVENANTS THEREFOR adopted by the governing body of the City of Fargo at the meeting held on April 19, 2021, and that such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

Dated this _____ day of _____, 2021.

City Auditor

(S E A L)

Attachment ALIST OF IMPROVEMENT DISTRICTS WITH ESTIMATED PRINCIPAL AMOUNTS,
LEVY YEARS, AMOUNTS, AND YEARS OF PAYMENT FOR EACH

District Designation		Aggregate Principal Amount	Levy Years (Inclusive)	Amounts and Payment Years
AN19J1	Alley Paving	\$ 200,903	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
AN20A1	Alley Paving	174,832	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
AN20B1	Alley Paving	226,087	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20C1	SSWMSTPSL&I	4,769,162	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20E1	SSWMSTPSL&I	2,617,859	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20F1	SSWMSTPSL&I	1,871,168	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20H1	SSWMSTPSL&I	2,579,500	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20K1	SSWMSTPSL&I	2,928,225	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20L1	SSWMSTPSL&I	7,985,600	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR19AO	Street Reconstuction - Main Ave to University	2,945,719	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20A1	Water Main & St. Const. 10th to 19th / 28th Ave	400,480	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20B1	Water Main & St. Const. 7th Ave / Broadway Elm	1,512,050	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20C1	Water Main & St. Const. 3rd N to University	722,225	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20E1	Water Main & St. Const. 17th St. to 25th St.	672,049	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
NN19A1	Lift Station Drain 53 Selkerk	1,741,313	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046

PN20A1	Wearing Course	2,250,526	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
UR20A1	Sanitary Sewer Repair - Outfall	375,599	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
NR19A1	Storm Sewer Lift Station	171,020	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR18J1	Water Main Replace 19th Ave South/ 45th Street	1,222,032	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
PN18A1	Asphalt Wearing Course Various Locations	1,723,990	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
SR20A1	Sidewalk Construction / North	210,897	2021 - 2040 (20 years)	Equal Principal and Interest Payments in each of the years 2022 through 2041
SEWR20	Sanitary Sewer Repair - Repair Policy Costs	1,271,001	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
PR20C1	Seal Coat - Various Locations	316,301	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
PR20E1	Mill & Overlay - Various Locations	739,185	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
SL20B1	Street Lights - 17th - 21st	342,017	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031
SL20E1	Street Lights - Rose Creek Parkway	27,117	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031
SL20C1	Street Lights - 10th to 19th/ 32 Ave N	860,322	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031

Attachment B

FORM OF BONDS

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF CASS

CITY OF FARGO

REFUNDING IMPROVEMENT BOND, SERIES 2021A

No. ____			\$[_____]
		DATE OF ORIGINAL ISSUE	
<u>INTEREST RATE</u>	<u>MATURITY</u>		<u>CUSIP</u>
[_____]%	May 1, 20[____]	[May 20], 2021	[_____]

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL BY THESE PRESENTS that the City of Fargo, Cass County, North Dakota (the "Issuer"), acknowledges itself to be indebted and for value received promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2022 (each such date, an "Interest Payment Date") all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding such Interest Payment Date. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft drawn by the City Auditor of the Issuer, who will serve as the Bond Registrar (the "Registrar")

This Bond is one of an issue designated the CITY OF FARGO REFUNDING IMPROVEMENT BONDS, SERIES 2021A (the "Bonds"), in the aggregate principal amount of \$[PAR] all of like date and tenor except as to serial number, maturity date, interest rate, and redemption privilege, issued, pursuant to the Resolution adopted by the governing body of the Issuer for the purpose of refunding a like principal amount of valid outstanding special improvement warrants drawn on the funds of improvement districts heretofore duly created by the Issuer for the financing of the cost of local improvements in anticipation of the levy and collection of special assessments with respect to the

improvements, all pursuant to and in full conformity with the Constitution and laws of the State of North Dakota.

Bonds maturing on May 1 in the years 2022 through 2025 will not be subject to payment in advance of their respective stated maturity dates.

Bonds maturing on May 1 in the years 2026 through 2028 are subject to optional redemption on or after May 1, 2025 at a price of par plus accrued interest to the date of redemption.

Bonds maturing on May 1 in the years 2029 through 2031 will not be subject to payment in advance of their respective stated maturity dates; and

Bonds maturing on May 1 in the years 2032 through 2046 are subject to optional redemption on or after May 1, 2030 at a price of par plus accrued interest to the date of redemption.

In the event Bonds are to be called for optional redemption in part, the maturities and the Bonds within a maturity shall be selected by the Bond Registrar by lot or in such manner as the Bond Registrar shall determine. Not less than 20 days prior to the date specified for redemption and prepayment of any of the Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, the Paying Agent, and the registered owner of the Bond to be redeemed, in whole or in part, at the address shown on the registration books of the Registrar.

The Bonds maturing in the years 20[] and 20[] shall be known as Term Bonds. The Term Bonds are subject to mandatory sinking fund redemption in part at a Redemption Price equal to 100% of the principal amount thereof, together with accrued interest to the Redemption Date on May 1 of the following years and in the following principal amounts:

<u>Term Bonds Maturing on May 1, 20[]</u>		<u>Term Bonds Maturing on May 1, 20[]</u>	
<u>Redemption Date</u> <u>(May 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Redemption Date</u> <u>(May 1)</u>	<u>Principal</u> <u>Amount</u>
	\$		\$
	*		*
<u>*Maturity</u>		<u>*Maturity</u>	

In the event a Bond is called for mandatory sinking fund redemption, the Bonds to be redeemed within a maturity shall be selected by the Bond Registrar by lot or in such manner as the Bond Registrar shall determine. Not fewer than 20 days prior to the date specified for redemption and prepayment of this Bond, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, the Paying Agent, and the registered owner of this Bond to be redeemed, in whole or in part, at the address shown on the registration books of the Registrar. If less than all Term Bonds of a single maturity of the same series are to be redeemed at the option of the Issuer,

the Issuer may apply the principal amount to be redeemed to reduce the mandatory sinking fund redemption requirements in such the Term Bond to be redeemed in such year or years as it determines in its sole discretion.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the Issuer at the principal office of the Bond Registrar, by the registered owner hereof in person or by its attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange, the Issuer will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate, and maturing on the same date, subject to reimbursement for any tax, fee, or governmental charge required to be paid with respect to such transfer or exchange. The Issuer and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Issuer nor the Bond Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the Issuer.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED, AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the Issuer has duly created the SERIES 2021A REFUNDING IMPROVEMENT BOND FUND as a separate and special fund and has appropriated thereto the improvement warrants refunded by the Bonds of this series, on which improvement warrant payments are required by law to be made as though none of such warrants had been refunded, and will use due diligence to collect said improvement warrants and the special assessments and any taxes necessary for their payment; the Issuer has reserved the right and privilege of issuing additional improvement warrants on the funds of said improvement districts, if and to the extent necessary to complete payment of the cost of the improvements, and the right and privilege of refunding such warrants by the issuance of additional series of Refunding Improvement Bonds, payable on a parity with the Bonds of this series, provided that the total amount of special assessments and taxes appropriated for payment of the cost of the improvements shall be not less than the total amount of warrants issued with respect thereto; that the governing body is required by law to levy a tax upon all the taxable property in the corporate limits of the Issuer, without limitation as to rate or amount, to meet any deficiency in any of said improvement district funds for the payment of all warrants drawn thereon, with interest; and that all collections of special assessments and taxes necessary for the payment of said improvement warrants are required by law to be credited to the Bond Fund and applied in payment of the principal of and interest on the Bonds of this series and any other series issued pursuant to the authority hereinbefore reserved, all

as more fully stated in the Resolution; and that the issuance of this Bond has not caused the indebtedness of the Issuer to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF the City of Fargo, North Dakota, by its governing body, has caused this Bond to be executed in its behalf by the manual or facsimile signature of the Mayor and City Auditor, and has caused the certificate appearing on the following page to be executed by the manual or facsimile signatures of said officers.

CITY OF FARGO

Mayor

City Auditor

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

CITY AUDITOR, as Bond Registrar

By: _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --as tenants in common UTMA as Custodian for

(Cust) (Minor)

TEN ENT --as tenants by the entireties under Uniform Transfers to Minors Act

(State)

JT TEN --as joint tenants with right of survivorship and not as tenants in common

Other abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto
the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint
attorney to transfer the said Bond on the books kept for registration of the within Bond, with full
power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

PLEASE INSERT SOCIAL SECURITY
NUMBER OR OTHER IDENTIFYING
NUMBER OF ASSIGNEE:

Signature Guaranteed:

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Attachment C

CONTINUING DISCLOSURE CERTIFICATE

[May 20], 2021

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of Fargo, North Dakota (the "Issuer") in connection with the Issuer's \$[PAR] REFUNDING IMPROVEMENT BONDS, SERIES 2021A (the "Bonds"). The Bonds are being issued pursuant to a resolution adopted by the governing body of the Issuer on April 19, 2021 (the "Resolution"), and delivered to the respective Purchasers on the date hereof. The Issuer hereby covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c2-12(b)(5) (the "Rule") in complying with the Rule. This Disclosure Certificate constitutes the written undertaking and agreement of the Issuer for the benefit of the Owners of the Bonds as required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" means the annual financial information (as defined in the Rule), including audited financial statements, to be provided to the MSRB in an electronic format prescribed by the MSRB pursuant to paragraph 5(i)(A) and (B) of the Rule, as described in Section 3 and 4 of this Disclosure Certificate.

"EMMA" means the Electronic Municipal Market Access system established by the MSRB with the support of the SEC, or any successor system, which can be accessed on the date hereof at www.emma.msrb.org.

"Financial Obligation" shall mean a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). This term shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

"Financial Statements" means audited or, if unavailable, unaudited general purpose financial statements of the Issuer prepared in accordance with generally accepted accounting principles, as in effect from time to time or as required to be modified as a matter of law. If unaudited financial statements are provided, audited financial statements will be provided when and if available.

"Fiscal Year" means the fiscal year of the Issuer.

"Final Official Statement" means the final official statement relating to the Bonds dated [____], 2021, which constitutes the final official statement delivered in connection with the Bonds, which is available from the MSRB.

“Issuer” means the City of Fargo, North Dakota, which is the obligated person (as defined in the Rule) with respect to the Bonds.

“Material Event” means any of the events listed in paragraph 5(i)(C) and paragraph 5(i)(D) of the Rule, which are set forth in Section 5(a) and (d) of this Disclosure Certificate.

“MSRB” means the Municipal Securities Rulemaking Board on the date hereof located at 1300 I Street, Suite 1000, Washington, DC 20005.

“Owner” means the person in whose name a Bond is registered or a beneficial owner of such a Bond.

“Participating Underwriter” means any of the original underwriter(s) of the Bonds (including the Purchaser) required to comply with the Rule in connection with the offering of the Bonds.

“Rule” means SEC Rule 15c2-12(b)(5) promulgated by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time, and including written interpretations thereof by the SEC.

“SEC” means the Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information and Financial Statements.

(a) The Issuer shall, not later than 12 months after the end of each Fiscal Year, commencing with the year ending December 31, 2020, provide to the MSRB in an electronic format as prescribed by the MSRB an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate and which shall include the CUSIP numbers for the all outstanding Bonds and such other identifying information as may be required from time to time by the Rule. The Annual Report shall be submitted to the MSRB at EMMA or as otherwise directed by the MSRB and may be submitted as a single document or as separate documents comprising a package, and may incorporate by specific reference information in documents available to the public on the MSRB’s internet website or filed with the SEC, provided that the Financial Statements of the Issuer may be submitted separately from the balance of the Annual Report.

(b) If the Issuer is unable or fails to provide an Annual Report by the date required in subsection (a) to the MSRB, the Issuer shall provide a notice of such failure to the MSRB as set forth in Section 5(b) hereof.

Section 4. Content of Annual Reports. The Issuer’s Annual Report shall contain or incorporate by reference the annual Financial Statements and annual financial information similar to that set forth in the following sections of the Final Official Statement:

- (1) Economic and Demographic Information.
- (2) Financial Summary.

- (3) City Indebtedness.
- (4) Outstanding Indebtedness.
- (5) Financial Information.
- (6) Property Valuation and Taxes.

Section 5. Reporting of Material Events.

(a) The Issuer shall provide to the MSRB in an electronic format prescribed by the MSRB notice of any of the following events with respect to the Bonds in a timely manner not in excess of ten (10) business days after the occurrence of the event, which notice shall be submitted to the MSRB at EMMA, or as otherwise directed by the MSRB:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modification to rights of security holders, if material;
- (8) Bond Calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.

(b) If the Issuer determines that it has failed to give notice of a Material Event as set forth above or to file the Annual Report in a timely fashion as required herein, the Issuer shall promptly file a notice of such occurrence to the MSRB in an electronic format prescribed by the MSRB, which notice shall be submitted to the MSRB at EMMA or as otherwise directed by the MSRB.

Section 6. Reporting Generally. The Issuer shall file its Annual Report, each notice of a Material Event, and each notice required by subsection (b) of Sections 3 and 5 of this Disclosure Certificate with the CUSIP numbers for all outstanding Bonds specified and such other identifying information as may be required from time to time by the Rule or by the MSRB. Each such item shall be submitted to the MSRB at EMMA, or as otherwise directed by the Rule or the MSRB, in an electronic format prescribed by the MSRB.

Section 7. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption, or payment in full of all the Bonds.

Section 8. Agent. The Issuer may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such agent, with or without appointing a successor dissemination agent.

Section 9. Amendment: Waiver. Notwithstanding any other provision of this Disclosure Certificate and without consent of the Owners of the Bonds, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver (i) is required by an amendment of the Rule by the SEC or procedures relating to the Rule by the MSRB, (ii) is to clarify an ambiguity or error, or (iii) does not provide for undertakings which violate the Rule or procedures of the MSRB then in effect or eliminates undertakings then required by the Rule or otherwise required by the SEC or the MSRB with respect to the Rule, which may be evidenced by a written opinion of legal counsel selected by the Issuer to the effect that such amendment or waiver would not, in and of itself, violate the Rule, requires undertakings which would violate the Rule or eliminates undertakings required by the Rule. If the Issuer determines that any such amendment or waiver materially changes the information provided to the MSRB or the timing of the information to be provided and that such information has not otherwise been provided to the MSRB in an Annual Report or Material Event filing, it shall provide the MSRB notice of such amendments as additional information pursuant to Section 9 hereof.

Section 10. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from providing any other information to the public, using the means of filing with the MSRB as set forth in this Disclosure Certificate or any other means of communication. Such information may include any other information in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Disclosure Certificate to update such information and may state in the disclosure that it does not intend to update such information.

Section 11. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default with respect to the Bonds and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Participating Underwriters and Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

IN WITNESS WHEREOF, I have executed this Disclosure Certificate in my official capacity on behalf of the City of Fargo, North Dakota as of the date first written above.

CITY OF FARGO, NORTH DAKOTA

By: _____
Steven Sprague
City Auditor

RESOLUTION SELLING, ESTABLISHING TERMS AND DIRECTING ISSUANCE OF
DEFINITIVE IMPROVEMENT WARRANTS ON THE FUNDS OF CERTAIN
IMPROVEMENT DISTRICTS, AND PROVIDING FOR AND APPROPRIATING SPECIAL
ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS

BE IT RESOLVED by the City Commission (the "Commission") of the City of Fargo, Cass County, North Dakota (the "Issuer") as follows:

1. Findings. It is hereby found, determined, and declared that the Issuer has heretofore duly created the improvement districts as set forth in **Attachment A** hereto, which is incorporated herein (the "Improvement Districts"), and has ordered, received, and approved plans and specifications, and estimates of the cost, for the construction of the improvements in said Improvement Districts (the "Improvements"); that the governing body determined the necessity of constructing the Improvements; that the Improvements have been petitioned by the owners or that insufficient protests to the project were filed in accordance with State of North Dakota (the "State") law; that contracts for construction of the Improvements have been duly awarded and executed; that the contracts and contractors' bonds have been and are hereby approved; that the Issuer possesses and has power to exercise through this governing body full and exclusive jurisdiction over all streets and places wherein said improvements are located; that the total cost of said Improvements in excess of any other funds on hand and appropriated for the payment of such cost including reimbursing other funds of the Issuer for any amounts temporarily advanced to meet immediate expenses of the Improvements less prepayments actually received and to be used to pay the cost of said Improvements is now estimated to be approximately the amount set forth in **Attachment A** hereto, which is incorporated herein; that to pay the total cost of said Improvements, the Issuer has sold improvement warrants in the principal amount of \$[PAR]; that the total benefits to all lots, tracts, and parcels of land liable to be specially assessed for benefits resulting from the Improvements in said Improvement Districts will be substantially in excess of the cost of said Improvements to be assessed against said properties as herein provided; and that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen, and to be performed preliminary to the issuance and sale of warrants to provide moneys to pay for said Improvements (the "Warrants") have been done, do exist, have happened, and have been performed in regular and due form and in the time and manner as so required. Each Warrant is payable from and secured by a special fund of the Issuer created with respect to an Improvement District and the special assessments levied within such Improvement District for the Improvements relating to such district.

2. Issuance and Sale of Warrants. In order to pay the Issuer's portion of the cost of the Improvements (including the retirement of any temporary warrants heretofore issued for such cost), it is necessary and expedient for the Issuer at this time to borrow money by the issuance of improvement warrants to be drawn upon the respective funds (the "Funds") of the Districts, created pursuant to Section 4, in the aggregate principal amount of \$[PAR] (the "Warrants"). Bids for the purchase of the Warrants, to be immediately refunded by the issuance of \$[PAR] Refunding Improvement Bonds, Series 2021A (the "Bonds") of the Issuer, have been solicited by Baker Tilly Municipal Advisors, LLC, the Issuer's municipal advisor, pursuant to official terms of offering and an Official Statement for the sale of the Warrants and Bonds, and the Commission has publicly considered all sealed bids presented in conformity therewith. It is hereby determined that the best bid for the purchase of the Warrants and Bonds is the bid received from [____], of

[] (the "Purchaser"), said bid being to purchase the Warrants and Bonds in a principal amount of \$[PAR] at a price of \$[], and upon the further terms set forth herein. The Mayor and City Auditor are hereby authorized and directed on behalf of the Issuer to execute a contract with the Purchaser for the sale of the Bonds.

3. Interest Rate; Payment Dates and Installment of Principal. In anticipation of the collection of the special assessments and of any taxes as set forth in Sections 5 and 8 hereof, the Issuer shall issue and deliver a definitive improvement warrant on the fund of each District in the respective principal amounts set forth in Exhibit A. The warrants shall be dated as of [May 20], 2021, and shall bear interest at the rates set forth in Exhibit A, payable on May 1 and November 1 in each year, commencing May 1, 2022, but no interest coupons shall be attached thereto. One or more warrants shall be issued for each District, payable in annual installments of principal, with interest, on May 1 in the respective years and in the amounts specified for each of said years, as provided in Exhibit A hereto.

4. Creation and Uses of Funds and Accounts There is hereby created a special fund of the Issuer for each Improvement District (the "Special Funds"; each a "Special Fund"), which Special Funds shall be held and administered by the City Auditor separate and apart from all other funds of the Issuer, and each Special Fund shall be continued and maintained as directed in this resolution until all Warrants issued thereon shall have been fully paid with interest. In each such Special Fund there shall be maintained two separate accounts to be designated as the "Construction Account" and "Principal and Interest Account," respectively.

(a) There shall be credited to the Construction Account in each Special Fund the proceeds of the sale of the Warrants issued against such Special Fund except the accrued interest and except any amounts necessary to reimburse other funds of the Issuer for temporary advances made for the Improvements. All costs and expenses of making said Improvements, including interest coming due during construction, shall be paid from time to time as incurred and allowed from said Construction Account, upon Construction Account warrants signed by the Mayor and City Auditor, or in their absence, the Deputy Mayor and/or the Deputy City Clerk, and moneys in said Account shall be used for no other purpose, provided that if upon completion of the Improvements and approval thereof by the Engineer for the Issuer, and payment of all claims and expenses in respect to said Improvement, there shall remain any unexpended balance in said Construction Account, such balance shall be transferred to the respective Principal and Interest Account and handled and accounted for in the same manner as other moneys in that account.

(b) There shall be credited to the Principal and Interest Account in each Special Fund the accrued interest, if any, on the Warrant drawn on said fund from the date of the Warrant to the date of delivery thereof to the Purchaser, the entire amount of special assessments and any taxes to be levied with respect to that improvement as herein set forth, to the extent necessary to pay principal and interest on Warrants payable therefrom, and any balance remaining in the Construction Account after completion of said Improvement. While a Warrant remains outstanding, moneys in the Principal and Interest Account therefor shall be used only for payment of the principal of and interest on the Warrants drawn against said fund to the extent such payments become due.

(c) The Issuer covenants and agrees with the holders from time to time of the Issuer's refunding improvement bonds, which are payable from, and secured by, the Warrants and the interest on which is excluded from gross income for federal tax purposes (the "Bonds"), that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended, and regulations, amended regulations, and proposed regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

5. Special Assessments. With respect to the Improvement Districts, the Issuer covenants and agrees with all holders of Warrants that it will do and perform as soon as may be possible, in accordance with law, all acts and things necessary for the final and valid levy of special assessments against properties within the Improvement Districts benefited by the Improvements, in an aggregate amount equal to the total cost of the Improvement to the Issuer, except any portion, not exceeding one-fifth of the cost of the improvement and not exceeding any applicable constitutional or statutory debt limit, as the Issuer may determine to pay by the levy of *ad valorem* taxes upon all taxable property within its corporate limits.

In the event that the special assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the Issuer or by the governing body or by any officers or employees, either in the making of the special assessment or in the performance of any condition precedent thereto, the Issuer and this governing body covenant and agree that they will forthwith do all such further acts and take all such further proceedings as may be required by law to make such special assessment a valid and binding lien upon such lot or tract.

The installments of special assessments from time to time remaining unpaid shall bear interest at the applicable rate, not exceeding seventy-five hundredths of a percentage point (0.75%) above the true interest cost (TIC) annual interest rate on bonds issued on special improvement districts, said special assessments to be levied in equal annual installments of principal, together with the interest to accrue thereon, as set forth in **Attachment A** hereto.

6. Form of Warrant. The Warrants shall be reproduced in substantially the form set forth in **Attachment B** hereto and incorporated herein.

7. Execution and Delivery. Each Warrant shall be prepared for execution under the direction of the City Auditor and shall be executed on behalf of the Issuer by the signature of the Mayor, countersigned by the City Auditor and sealed with the official seal of the Issuer. When executed, the warrants shall be delivered by the City Auditor to the Purchaser thereof upon payment of the purchase price agreed upon, and the Purchaser shall not be obligated to see to the application of the purchase price.

The Mayor, the City Auditor, and other officers of the Issuer are also hereby authorized to execute and deliver any such additional certificates, showings, agreements, or documents necessary or otherwise appropriate in connection with the issuance of the Warrants and the transactions contemplated thereby.

In the event of the absence or unavailability of the Mayor, the City Auditor, or other appropriate officer of the Issuer, the Warrants and the other documents authorized for execution and delivery pursuant to this section may be executed and delivered by the individual or individuals authorized generally by the Issuer to act on behalf of the Mayor, the City Auditor, or other officer of the Issuer in such circumstances, including, without limitation, the Deputy Mayor and the Deputy City Auditor, as the case may be.

In case any officer signing documents authorized to be executed and delivered by this resolution shall cease to be such officer before or after the delivery of any such document, such signature, nevertheless, shall be valid and remain sufficient for all purposes as if such officer had remained in office until such delivery or later applicable time.

8. Covenant as to Tax Levy. With respect to each Special Fund, the Issuer hereby recognizes its obligation with respect to the Warrants drawn against the Funds, as set forth in § 40-26-08, North Dakota Century Code, as amended, and covenants that whenever all special assessments, utility revenues, taxes and other funds, if any, appropriated and theretofore collected for the related Improvement are insufficient to pay principal of or interest then due on the applicable Warrant, the governing body of the Issuer shall thereupon levy a tax upon all taxable property in the corporate limits of the Issuer for the payment of such deficiency, provided that if said Warrant has been exchanged for refunding improvement bonds pursuant to the provisions of Chapter 40-27, North Dakota Century Code, such deficiency tax may be made payable in the years and amounts required to pay the principal of and interest on such refunding improvement bonds as the same become due. Nothing herein contained shall be deemed to limit the power of the Issuer and this governing body under the provisions of said § 40-26-08, as amended, to levy a general tax in anticipation of a deficiency considered likely to occur in said Special Fund within one year, and it is hereby declared to be the policy of the Issuer that the governing body will annually review the current requirements and resources of each Special Fund, at the time of the preparation of and hearing on the budget, in accordance with the provisions of Chapter 40-40, North Dakota Century Code, to the end that provisions may be made in each annual budget for any deficiency in said applicable Funds which is deemed likely to occur within the then next succeeding year. Any taxes levied in accordance with the provisions of this paragraph in payment of a deficiency, or in anticipation of a deficiency, shall be paid upon collection into the Principal and Interest Account of the Special Fund and applied as provided in paragraph 2(b) hereof.

9. Refunding. With respect to the Special Funds, the Issuer reserves the right and privilege of refunding any warrants drawn against any of the Special Funds and refunding improvement bonds payable from such warrants which are past due, or which are redeemable at the option of the Issuer, or to the redemption or exchange of which the holder thereof shall have consented, and for the payment of which Warrants moneys are not at the time available in said fund, by issuing new warrants pursuant to the provisions of § 40-27-06, North Dakota Century Code. Such refunding warrant shall be payable from the applicable Special Fund on a parity with the Warrant previously issued as to interest charges, provided, however, that the principal maturities of such refunding warrant shall be subsequent to the maturities of all Warrants payable from such Special Fund and then outstanding, except the warrants so refunded.

With respect to the Special Funds, the Issuer also reserves the right to issue additional warrants and refunding improvement bonds for the payment of the cost of the improvement in said

districts if the actual cost of said improvement should be greater than has been estimated, such additional warrants to be payable from said fund on a parity with other warrants drawn on said funds.

10. Certification of Proceedings. The officers of this Issuer and the County Auditor of Cass County are authorized and directed to prepare and furnish to the purchaser of said warrants and to Dorsey & Whitney LLP, Bond Counsel to the Issuer, certified copies of all ordinances, resolutions, affidavits or other instruments relating to the establishment and construction of said improvement and the operation and maintenance thereof, and the levy of special assessments and taxes therefore or the issuance of said improvement warrants, which may be necessary or proper to show the validity or marketability of said warrants, and all instruments and transcripts so furnished, constitute representations of the Issuer as to the correctness of the facts as stated or recited therein.

Mayor

Attest:

City Auditor

COMMISSIONER _____ introduced the preceding resolution and moved its adoption. The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof:

COMMISSIONERS _____.

The following were absent and not voting:

_____, and the following voted against the same: _____, whereupon the resolution was declared duly passed and adopted this 19th day of April, 2021.

Attachment ALIST OF IMPROVEMENT DISTRICTS WITH ESTIMATED PRINCIPAL AMOUNTS,
LEVY YEARS, AMOUNTS, AND PAYMENT YEARS FOR EACH

District Designation		Aggregate Principal Amount	Levy Years (Inclusive)	Amounts and Payment Years
AN19J1	Alley Paving	\$ 200,903	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
AN20A1	Alley Paving	174,832	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
AN20B1	Alley Paving	226,087	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20C1	SSWMSTPSL&I	4,769,162	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20E1	SSWMSTPSL&I	2,617,859	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20F1	SSWMSTPSL&I	1,871,168	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20H1	SSWMSTPSL&I	2,579,500	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20K1	SSWMSTPSL&I	2,928,225	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BN20L1	SSWMSTPSL&I	7,985,600	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR19AO	Street Reconstuction - Main Ave to University	2,945,719	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20A1	Water Main & St. Const. 10th to 19th / 28th Ave	400,480	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20B1	Water Main & St. Const. 7th Ave / Broadway Elm	1,512,050	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20C1	Water Main & St. Const. 3rd N to University	722,225	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR20E1	Water Main & St. Const. 17th St. to 25th St.	672,049	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046

NN19A1	Lift Station Drain 53 Selkerk	1,741,313	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
PN20A1	Wearing Course	2,250,526	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
UR20A1	Sanitary Sewer Repair - Outfall	375,599	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
NR19A1	Storm Sewer Lift Station	171,020	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
BR18J1	Water Main Replace 19th Ave South/ 45th Street	1,222,032	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
PN18A1	Asphalt Wearing Course Various Locations	1,723,990	2021 - 2045 (25 years)	Equal Principal and Interest Payments in each of the years 2022 through 2046
SR20A1	Sidewalk Construction / North	210,897	2021 - 2040 (20 years)	Equal Principal and Interest Payments in each of the years 2022 through 2041
SEWR20	Sanitary Sewer Repair - Repair Policy Costs	1,271,001	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
PR20C1	Seal Coat - Various Locations	316,301	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
PR20E1	Mill & Overlay - Various Locations	739,185	2021 - 2035 (15 years)	Equal Principal and Interest Payments in each of the years 2022 through 2036
SL20B1	Street Lights - 17th - 21st	342,017	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031
SL20E1	Street Lights - Rose Creek Parkway	27,117	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031
SL20C1	Street Lights - 10th to 19th/ 32 Ave N	860,322	2021 - 2030 (10 years)	Equal Principal and Interest Payments in each of the years 2022 through 2031

Attachment B

FORM OF WARRANT

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA
COUNTY OF CASS

CITY OF FARGO

IMPROVEMENT WARRANT, SERIES 2021A
IMPROVEMENT DISTRICT NO. _____

R-[]

INTEREST RATE

[] %

DATE OF ORIGINAL ISSUE

_____, 2021

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL BY THESE PRESENTS that the City of Fargo, Cass County, North Dakota, (the "Issuer") acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount of \$_____ in annual installments on May 1 in each of the years 20_ through 20_ but only from its _____ Fund, with interest thereon from the date hereof at the annual rate specified above, such interest payable on May 1 and November 1 in each year, commencing May 1, 2022, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Both principal and interest are payable at the office of the City Auditor of the Issuer, in Fargo, North Dakota, in any coin or currency of the United States of America which on the respective dates of payment is legal tender for public and private debts.

This warrant is issued for the purpose of financing a portion of the cost of a necessary improvement benefiting the above-named District of the Issuer, and is issued pursuant to and in full conformity with the Constitution and laws of the State of North Dakota thereunto enabling, including Chapters 40-22 to 40-28 and Chapter 40-49 of the North Dakota Century Code, and amendatory and supplemental laws, and in anticipation of the collection of special assessments levied or to be levied and collected to pay for said improvement, which moneys are to be appropriated to the account and fund referred to above.

This warrant is subject to redemption and prepayment at the option of the Issuer at any time, at a price equal to the principal amount hereof and accrued interest, for the sole purpose of refunding the entire issue by the issuance of refunding improvement bonds of the Issuer pursuant to Chapter 40-27, North Dakota Century Code.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed preliminary to and in the valid issuance of this warrant have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that this warrant is duly issued to pay costs incurred and to be incurred in the making of a necessary improvement of special benefit to the above-named Improvement District, in anticipation of the collection of special assessments to be duly levied upon properties within said district, and of taxes to the extent determined by the governing body, which are irrevocably appropriated to the fund of the district in amounts sufficient to pay when due the principal of and interest on all warrants drawn thereon; that if the fund should at any time be insufficient to pay principal or interest due, the Issuer is also required by law to levy a tax upon all of the taxable property within its corporate limits for the payment of such deficiency, without limitation of rate or amount; and that the issuance of this warrant did not cause the special or general indebtedness of the Issuer to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF the City of Fargo, North Dakota, by its governing body has caused this warrant to be executed in its behalf by the signature of the Mayor and countersigned by the City Auditor, and sealed with its official seal.

Mayor

Countersigned:

City Auditor

(S E A L)

REGISTRATION

The City of Fargo, North Dakota, has registered the ownership of the within warrant, and of the interest payable thereon, on the books of the City maintained by its City Auditor at Fargo, North Dakota, in the name of the following owner:

City of Fargo, in trust for the owners of its Refunding Improvement Bonds, Series 2021A.

Dated as of the ____ day of _____, 2021.

City Auditor

CERTIFICATE

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF CASS)

I, Steven Sprague, the duly appointed City Auditor of the City of Fargo, North Dakota, do hereby certify that the preceding resolution attached hereto is a full, true, and correct copy of the RESOLUTION SELLING, ESTABLISHING TERMS AND DIRECTING ISSUANCE OF DEFINITIVE IMPROVEMENT WARRANTS ON THE FUNDS OF CERTAIN IMPROVEMENT DISTRICTS, AND PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS adopted by the governing body of the City of Fargo at the meeting held on April 19, 2021, and that such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

Dated this ____ day of _____, 2021.

City Auditor

(S E A L)

4814-3976-7519\3



(31)

OFFICE OF THE CITY ADMINISTRATOR
Bruce P. Grubb

April 15, 2021

Honorable Board of City Commissioners
City of Fargo
225 4th Street North
Fargo, ND 58102

Subject: Congressman Kelly Armstrong Notification - Fiscal Year 2022 Federal Funding Opportunities

Dear Commissioners:

Attached for your information, please find a project submittal form released on April 8, 2021, from U.S. Congressman Kelly Armstrong's office. The submittal form is seeking submissions for Member-Directed Funding for both Community Project Funding (CPF) and Surface Transportation projects for fiscal year 2022. Congressman Armstrong has been requested to prepare prioritized lists of ten (10) CPFs and five (5) Surface Transportation projects from the State of North Dakota.

The two project categories most closely aligned with City needs and their associated criteria are shown below:

Community Project Funding, specifically Economic Development Initiatives (EDI), via the U.S. House Appropriations Subcommittee on Transportation, Housing and Urban Development (HUD), and Related Agencies

EDI project requests may be used for economic and community development activities, including land or site acquisition, demolition or rehabilitation of housing or facilities, construction and capital improvements of public facilities (including water or sewer facilities) and public services. Requests may also include planning and other activities consistent with the underlying authorization for the Community Development Block Grant program within HUD. EDI community project requests are not eligible for the reimbursement of expenses for activities already undertaken (including debt service or debt retirement).

Surface Transportation Member Designated Project Funding via the U.S. House Transportation and Infrastructure (T & I) Committee

Capital projects eligible under title 23 United States Code and chapter 53 of title 49 United States Code are eligible for funding requests under T & I's project submission process. The best way to ensure project eligibility is to select projects included on the State or MetroCOG's Transportation Improvement Plan (TIP). Projects included on the TIP already have been certified as eligible for other federal funding and do not require further verification of eligibility.

For projects not on the TIP, the Committee will require additional documentation including verification whether the project can be added to the TIP in a reasonable time frame.

Due to the compressed timeline for project submittals, internal staff meetings were held to identify potential projects that fit the eligibility requirements. The potential projects identified are listed below:

U.S. House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies – EDI Projects

- High Rise Demolition and Supportive Housing Program \$ 17.0 - 30.0M
- Mid America Steel Demolition..... \$ 2.8M
- Housing Stabilization Plan..... \$ 18.0M
- West Side Sanitary Interceptor Sewer \$ 19.0M
- Wastewater Treatment Plant Bid Alternates..... \$ 7.0 - 15.0M

U.S. House Transportation and Infrastructure Committee – Highway and Transit Member-Designated Project Funding

- 12th Avenue North Bridge into Minnesota \$ 16.0M
- 40th Avenue South Pedestrian Bridge..... \$ 4.0M
- Southwest Transit Hub..... \$ 2.5M
- 19th Avenue North and 45th Street Grade Separation..... \$ 30.0M

Your consideration in this matter is greatly appreciated.

Sincerely,



Bruce P. Grubb
City Administrator

C: Michael Redlinger | Assistant City Administrator
Kent Costin | Finance Director
Nicole Crutchfield | Planning Director
Brenda Derrig | City Engineer
James Gilmour | Director of Strategic Planning and Research

Suggested Motion:

Approve submittal of the following projects to Congressman Kelly Armstrong for consideration for funding.

- High Rise Demolition and Supportive Housing Program \$ 17.0 – 30.0M
- 12th Avenue North Bridge into Minnesota \$ 16.0M



ECONOMIC DEVELOPMENT INITIATIVE SUBMITTAL PRIORITIZATION*

*Draft City staff prioritization
based on near-term potential to
demonstrate criteria applicability

Project Criteria	High Rise Demolition & Supportive Housing Program	Mid America Steel Demolition	Housing Stabilization Plan	West Side Sanitary Interceptor Sewer	Wastewater Treatment Plant Bid Alternates
Eligible Project	●	●	●	●	●
Local Support	●	●	●	●	●
Local Cost-Share	●	●	●	●	●
HUD Consolidated Plan	●	●	●	●	●
Benefit LMI	●	●	●	●	●
Economic Development Benefits	●	●	●	●	●
Private Funding Potential	●	●	●	●	●
Increased Resiliency	●	●	●	●	●
Obligate in 12 months	●	●	●	●	●
Shovel Readiness	●	●	●	●	●
Prioritization Score	20	18	18	15	15

Prioritization Score Weighting: High (2) – Medium (1) – Low (0)



SURFACE TRANSPORTATION AUTHORIZATION SUBMITTAL PRIORITIZATION*

*Draft City staff prioritization
based on near-term potential to
demonstrate criteria applicability

Project Criteria	12th Ave North Bridge into MN	40th Ave South Pedestrian Bridge	Southwest Transit Hub	19th Ave N / 45th St. Grade Separation
Eligible for TIP	●	●	●	●
Long-Term Transportation Plan	●	●	●	●
Local Cost-Share	●	●	●	●
Public Comments	●	●	●	●
Local Support	●	●	●	●
Safer Transportation Network	●	●	●	●
Shovel Readiness	●	●	●	●
Improving Nation's Infrastructure	●	●	●	●
Support Underserved Communities	●	●	●	●
Reduce Carbon Pollution	●	●	●	●
Environmental Justice	●	●	●	●
Strengthen Multi-Modal System	●	●	●	●
Prioritization Score	21	21	20	18

Prioritization Score Weighting: High (2) – Medium (1) – Low (0)



Congressman Kelly Armstrong (ND-at large)
Fiscal Year 2022 Community Project Funding Request Form



Congressman Kelly Armstrong (ND-at large)
Fiscal Year 2022 Community Project Funding/Highway and Transit Member Designated
Project Request Form

*Note, one project request per form

*Note, please save this form as a PDF titled, "Rep. Armstrong FY2022 Project Funding Form – ENTER SHORT PROJECT DESCRIPTION"

*Note, per House Appropriations Committee guidelines, Community Project Funding requests are subject to specific criteria. Please review the criteria before submitting this form.

*Note, per House Transportation and Infrastructure Committee guidelines, Highway and Transit Member Designated Project requests are subject to specific criteria, separate from Community Project Funding requests. Please review the criteria before submitting this form.

REQUESTOR CONTACT INFORMATION

Name of Project: Click here to enter text.

Street Address: Click here to enter text.

City: Click here to enter text.

State: Click here to enter text.

Zip Code: Click here to enter text.

Project Website: Click here to enter text.

Point of Contact: Click here to enter text.

Organization: Click here to enter text.

Phone: Click here to enter text.

Email: Click here to enter text.

Name of Requesting Individual/Organization (leave this section blank if the info is the same as the project info)

Street Address: Click here to enter text.

City: Click here to enter text.

State: Click here to enter text.

Zip Code: Click here to enter text.

Point of Contact: Click here to enter text.

Organization: Click here to enter text.

Phone: Click here to enter text.

Email: Click here to enter text.

List of organizations/entities supporting this request: Click here to enter text.

Send form to: Casey Fitzpatrick (Casey.Fitzpatrick@mail.house.gov)

Deadline: Monday, April 19th at 12pm



Congressman Kelly Armstrong (ND-at large)
Fiscal Year 2022 Community Project Funding Request Form

COMMUNITY PROJECT FUNDING PROJECT INFORMATION

FY2022 Funding Request (\$) (do not include funding requests for any period except FY2022):

[Click here to enter text.](#)

Project Description and Purpose:

[Click here to enter text.](#)

Project Justification (including why the request is a legitimate use of taxpayer funding):

[Click here to enter text.](#)

Demonstrated Community Support

Only requests with demonstrated community support will be considered. Examples of demonstrated community support include, but are not limited to: (1) letters of support from elected officials; (2) resolutions passed by elected bodies or other governing entities; (3) projects listed in State intended use plans, community development plans, or other publicly available planning documentation; (4) support from newspaper editorial boards; (5) press articles articulating the need and community support for the project. Please indicate the demonstrated community support for this project and attach the documents when submitting this form.

[Click here to enter text.](#)

Request Type: [Choose an item.](#)

Subcommittee: [Choose an item.](#)

Applicable Appropriations Bill and Section: [Click here to enter text.](#)

Program/Language Title: [Click here to enter text.](#)

Is this program authorized? [Choose an item.](#)

If yes, what bill & funding level: [Click here to enter text.](#)

Through what Fiscal Year is it authorized? [Click here to enter text.](#)

List other Members/Senators, if any, who are also receiving this request: [Click here to enter text.](#)

PREVIOUS/EXISTING FUNDING

Federal FY21 Appropriation Level: [Click here to enter text.](#)

Federal FY20 Appropriation Level: [Click here to enter text.](#)

Federal FY19 Appropriation Level: [Click here to enter text.](#)

State/Local Funding Source: [Click here to enter text.](#)

State/Local Funding Amount: [Click here to enter text.](#)

Send form to: Casey Fitzpatrick (Casey.Fitzpatrick@mail.house.gov)

Deadline: Monday, April 19th at 12pm



Congressman Kelly Armstrong (ND-at large)
Fiscal Year 2022 Community Project Funding Request Form

Private Funding Source: Click here to enter text.

Private Funding Amount: Click here to enter text.

HIGHWAY AND TRANSIT MEMBER DESIGNATED PROJECT INFORMATION

**Note, Projects funded through the surface transportation authorization will be funded directly from the Highway Trust Fund, and do not require a separate or subsequent appropriation. Projects included in the Transportation and Infrastructure Committee's surface transportation authorization legislation are provided dedicated contract authority. These projects will receive dedicated obligation limitation under the overall provision of obligation limitation provided through the appropriations process, and will not require further congressional action. Highway and Transit Member Designated Project submissions should ONLY be submitted through this process, not through Community Project Funding submissions.*

Location of project: Click here to enter text.

Total project cost (\$): Click here to enter text.

Total funding requested from Highway and Transit Member Designated Project (\$): Click here to enter text.

Sources of funding for the non-Member designated share of the cost of the project: Click here to enter text.

Project Description and Purpose:

Click here to enter text.

Project Justification (including why the request is a legitimate use of taxpayer funding):

Click here to enter text.

Project Phase: Choose an item.

If other, description and purpose (max 30 characters): Click here to enter text.

NEPA Category of Action: Choose an item.

Status of Environmental Review: Choose an item.

If other, description and purpose (max 30 characters): Click here to enter text.

A description of the process that will be followed to provide an opportunity for public comment on the project (max 1,000 characters) Click here to enter text.

Has the project received federal funding in the past? Choose an item.

Has the project applied for U.S. DOT discretionary grants in the past? Choose an item.

Send form to: Casey Fitzpatrick (Casey.Fitzpatrick@mail.house.gov)

Deadline: Monday, April 19th at 12pm



Congressman Kelly Armstrong (ND-at large)
Fiscal Year 2022 Community Project Funding Request Form

Is the project on the state, Tribal, or territorial transportation improvement program? Choose an item.

Is the project on the metropolitan transportation improvement program, if applicable? Choose an item.

If funding is provided for this project, can it be added to the STIP/TIP in a reasonable timeframe? Choose an item.

If the project is not on the STIP/TIP, is the project sponsor able to obtain documentation from the relevant federal agency that the project is eligible for funding under title 23 (Highways) or chapter 53 of title 49 (Public Transit)?
Choose an item.

If the project is not included on the STIP/TIP, is the project on a regional or statewide long-range transportation plan? Choose an item.

Documentation Requirements:

Only requests with Committee-required documentation will be considered. This includes (1) Documentation that the project is on the State, Tribal, or territorial transportation improvement program (STIP) and on the metropolitan transportation improvement program (TIP), if applicable; (2) Sources of funding for the full share of the cost of the project beyond the amount requested; (3) Letter(s) of support from the State department of transportation, or local government, transit agency, or other non-Federal sponsor; (4) A description of the process that has been or will be followed to provide an opportunity for public comment on the project; (5) Project phase (e.g. Planning, Final Design, Construction); (6) NEPA category of action (e.g. Categorical Exclusion, Environmental Assessment, Environmental Impact Statement); (7) Status of environmental review; (8) Whether the project has received Federal funding previously, and if so, the source and amount.

Please indicate the demonstrated support for this project and attach the documents when submitting this form.
Click here to enter text.

List other Members/Senators, if any, who are also receiving this request: Click here to enter text.

Send form to: Casey Fitzpatrick (Casey.Fitzpatrick@mail.house.gov)
Deadline: Monday, April 19th at 12pm



March 25, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3113 26 Ave S as submitted by Mark & Nancy Wolfe. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022 & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$230 with the City of Fargo's share being \$40.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	Mark & Nancy Wolfe		Phone No.	701.367.1218
2. Address of Property	3113 26 Ave S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Lt 18 Blk 1 Westlake 5th			
4. Parcel Number	01-4009-00360-000	Residential	<input checked="" type="checkbox"/>	Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	same			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Master bath remodel	
7. Building Permit No.	20120390	8. Year Built 1995
9. Date of Commencement of making the improvement	12/9/2020	
10. Estimated market value of property before improvement	\$	
11. Cost of making the improvement (all labor, material and overhead)	\$ 50,841	
12. Estimated market value of property after improvement	\$	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Mark A Wolfe Date 3/15/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <i>Walter J. Lankford</i> Date 3-31-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body Date

Submit Via Email



336

March 19, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1620 34 ½ Ave S as submitted by Debra Emo. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022 & 2023.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$85 with the City of Fargo's share being \$15.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	Debra Emo		Phone No.	701.799.3724
2. Address of Property	1620 34 1/2 Ave S			
City	FARGO	State	ND	Zip Code 58104
3. Legal description of the property for which the exemption is being claimed.	Lt E32, 14 Ft of 10 Blk 4A Replat Ruby Dell Schnell			
4. Parcel Number	01-2705-00477-000	Residential	<input checked="" type="checkbox"/>	Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	same			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Kitchen remodel		
7. Building Permit No.	20100135	8. Year Built	1986
9. Date of Commencement of making the improvement	10-1-2020		
10. Estimated market value of property before improvement	\$	163,800	
11. Cost of making the improvement (all labor, material and overhead)	\$	35,000	
12. Estimated market value of property after improvement	\$		

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>Debra Emo</u> Date <u>3-12-2021</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <u>Walter J. Grubbs</u> Date <u>3-31-2021</u>

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____

Submit Via Email



330

April 7, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 420 6 Ave S Unit 207 as submitted by Jean Anderson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$185 with the City of Fargo's share being \$30.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	Jean Anderson	Phone No.	701.371.8787
2. Address of Property	420 6 Ave S Unit 207		
City	FARGO	State	ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Pt It 1 Lt 2 & 3 pt Lt 4 Blk 1 Island Park		
4. Parcel Number	01-1440-00020-040	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	same		
City		State	Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	2 bath remodel		
7. Building Permit No.	N/A	8. Year Built	1976
9. Date of Commencement of making the improvement	3/2019		
10. Estimated market value of property before improvement	\$		
11. Cost of making the improvement (all labor, material and overhead)	\$ 14,000		
12. Estimated market value of property after improvement	\$		

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>Jean Anderson</u> Date <u>3/2021</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <u>Willy G. [Signature]</u> Date <u>4-8-2021</u>

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____

Submit Via Email



33d

April 5, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2543 East Country Club Dr S as submitted by Darin Lang & Katrina Turman. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$655 with the City of Fargo's share being \$110.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	<u>Darin Lang + Katrina Turnan</u>	Phone No.	<u>701/ 293-5592</u>
2. Address of Property	<u>2543 East Country Club Dr. S.</u>		
City	<u>FARGO</u>	State	<u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Lot 1+2 Block 6 Country Club Acres Addn</u>		
4. Parcel Number	<u>01-0501-00900-000</u>	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	<u>Same</u>		
City		State	Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	<u>All new siding + new shingles, soffits, + fascia, gutters, patio, front step</u>
7. Building Permit No.	<u>NA</u>
8. Year Built	<u>1967</u>
9. Date of Commencement of making the improvement	
10. Estimated market value of property before improvement	<u>\$ 493,400</u>
11. Cost of making the improvement (all labor, material and overhead) \$	<u>50,000</u>
12. Estimated market value of property after improvement	<u>\$ 525,100</u>

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	<u>[Signature]</u> Date <u>3/25/21</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <u>[Signature]</u> Date <u>4-8-2021</u>

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____



April 7, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1350 2 St N as submitted by Tim Flakoll. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$455 with the City of Fargo's share being \$80.

Sincerely,

A handwritten signature in cursive script that reads "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. * Name of Property Owner <u>Tim Flakoll</u>	* Phone No. <u>701-367-5953</u>
2. * Address of Property <u>1350 2nd Street North</u>	
City <u>FARGO</u>	State <u>ND</u> Zip Code <u>58102</u>
3. Legal description of the property for which the exemption is being claimed. _____	
4. Parcel Number <u>01-1360-01740-000</u> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner <u>SAME</u>	
City <u>Fargo</u>	State <u>ND</u> Zip Code <u>58102</u>

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). <u>See comments</u>	
7. Building Permit No. <u>20020473</u>	8. Year Built <u>1929</u>
9. Date of Commencement of making the improvement <u>Feb. March 2020</u>	
10. Estimated market value of property before improvement	\$ <u>~</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>165,000</u>
12. Estimated market value of property after improvement	\$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature <u>[Signature]</u>	Date <u>Apr 18, 2021</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): _____	
Assessor's Signature <u>[Signature]</u>	Date <u>4-9-2021</u>

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>	
Approval subject to the following conditions: _____	
Chairman of Governing Body _____	Date _____

Submit Via Email



33f

March 23, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1313 17 St S as submitted by Brandyn & Kimberly Sauer. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$170 with the City of Fargo's share being \$30.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	Brandyn & Kimberly Sauer		Phone No.	701.490.0057
2. Address of Property	1313 17 St S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	Pt of Lt 1 Gronkes Subd			
4. Parcel Number	01-1070-00040-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	same - email: brandyn_sauer@hotmail.com			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Remodel bathroom. Finish lower level.	
7. Building Permit No.	190376	8. Year Built 1969
9. Date of Commencement of making the improvement	4/26/2019	
10. Estimated market value of property before improvement	\$	
11. Cost of making the improvement (all labor, material and overhead)	\$	8,000
12. Estimated market value of property after improvement	\$	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Brandyn Sauer Date 3/23/2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <i>Wanda J. Jankowski</i> Date 3-31-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____

Submit Via Email



March 29, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 615 10 Ave S as submitted by Mark & Kathleen Causapin. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$90 with the City of Fargo's share being \$15.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

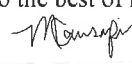
Property Identification

1. Name of Property Owner	Mark and Kathleen Causapin		Phone No.	4436688832
2. Address of Property	615 10th Ave S			
	City	FARGO	State	ND Zip Code 58103
3. Legal description of the property for which the exemption is being claimed,	primary residence- single story house			
4. Parcel Number	01-2400-03000-000 Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>			
5. Mailing Address of Property Owner	615 10th Ave S			
	City	Fargo	State	ND Zip Code 58103

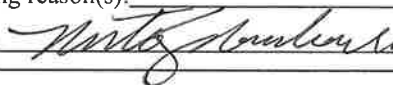
Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	Bathroom remodel (half to full), insulation+insulated windows +in floor heating in breezeway	
7. Building Permit No.	2002-0019, 2008-0799	8. Year Built 1950
9. Date of Commencement of making the improvement	April-Sept 2020	
10. Estimated market value of property before improvement	\$ 200,000	
11. Cost of making the improvement (all labor, material and overhead)	\$ 25,000	
12. Estimated market value of property after improvement	\$ 230,000	

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature  Date 03/27/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature  Date 3-31-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____

Submit Via Email



March 24, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 614 19 Ave S as submitted by John & Andrea Larson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2021, 2022, 2023, 2024 & 2025.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$875 with the City of Fargo's share being \$150.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

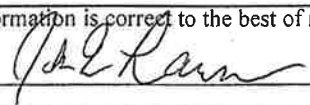
Property Identification

1. Name of Property Owner	John & Andrea Larson		Phone No.	701-318-4105
2. Address of Property	614 19th Ave S.			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	LOT 16 BLOCK 4 ADDT'L SCHNELL E 6.57 LOT 16 BLK 4 & ALL LOT 17 & PT BLK 6			
4. Parcel Number	01-2660-01090-000	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>		
5. Mailing Address of Property Owner	614 19TH AVE S			
City	FARGO	State	ND	Zip Code 58103


Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	GARAGE ADD'N AND FRONT ENTRY, KITCHEN REMODEL AND EXTERIOR SIDING, ROOF, DRIVEWAY RE-PAVE	
7. Building Permit No.	BL20190164	8. Year Built 1958
9. Date of Commencement of making the improvement	01/30/2021	
10. Estimated market value of property before improvement	\$	265,000
11. Cost of making the improvement (all labor, material and overhead)	\$	205,000
12. Estimated market value of property after improvement	\$	380,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature  Date 03/24/21

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature  Date 3-31-2021

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body _____ Date _____